

RECEIVED JUL 24 2014

Dear Members of the Planning Board:

I would like to begin by stating that I don't believe the Landmark Retreat Project is lawful in an R-O zone in Amherst. The intended inhabitants of The Retreat will be students. The business plan of Landmark Retreats throughout the United States is the building of high-end student housing with an amenities building and individual leases for each bedroom. This type of student housing in Amherst belongs in an R-F zone.

Landmark has filed a Definitive Subdivision Plan for a Cluster Subdivision in a Historic Village. Calling this project a Cluster Subdivision is quite a stretch.

Cluster Development:

"Land use harmonious with natural features."

The plans for this project call for the complete destruction of the natural features of this beautiful forest and hillside containing streams and wetlands. The construction of the Retreat in Cushman will involve the blasting of the natural stone and ledges. It will require making many cuts of 30 feet and more and building walls up to 29 feet in height and as long as 550 feet just to enable construction of the proposed buildings.

This is not *land use harmonious with natural features*.

"Compatibility with the character of the surrounding residential areas."

Cushman is an historic village of predominately single-family houses many of which are set on old, fairly narrow country roads. The proposed Retreat plan is one of mostly 2 and 3 story duplexes with some single story structures, as with amenities building (the existence of which further contradicts the spirit of R-O zoning). These are to be built by carving out a forest and stone hillsides, which historically have been significant characteristics of the natural beauty and personality of Cushman Village.

This project is a blatant contradiction of the *compatibility with the character of the surrounding residential areas* guideline.

Again, I must mention that the residents of The Retreat will be students, not families or for those needing affordable housing. Housing built only for students is not allowed in our R-O zones.

Introducing 641-bedrooms occupied by students will almost double the population of the Cushman area. This itself is not compatible with the character of the village.

Landmark is also requesting design exceptions for this project:

- Front setbacks of 10 feet instead of 20 feet
- Side setbacks of 5 feet instead of 15 feet
- Rear setbacks of 10 feet instead of 15 feet
- Road slopes in some areas of 10% instead of a maximum of 8%

I believe these design exceptions are needed because it will otherwise be an enormous task to blast and clear a beautiful forest and hillside, thus underscoring the violation to both aspects (as cited above) of our R-O zoning. The exceptions should not be granted. The Retreat project is clearly designed to have no resemblance to the natural features of this rural and historic village.

The BETA safety study book introduction on page 1 reads:

"123 dwellings *marked as student housing for U-Mass*. The Retreat will be a rental neighborhood accommodating predominately students of local area colleges. An amenity area will also be provided for neighborhood residents." This description clearly fits within the R-F zoning.

Page 34 reads:

"They anticipate bicycle use due to the *tenant profile*."

There are various marketing phrases for this style of development built to house students. Landmark has used ones such as: "Off campus housing", "the way college living should be", and "the very best in student living."

Regarding the Landmark Retreat subdivision application in Amherst, the fees have come from Landmark *Collegiate* Development LLC.



Regardless of what "clothing" is being used in an attempt to disguise the wolf, Landmark intends to build a Retreat for student housing in the (R-O zoned) forest in the historic and rural village of Cushman.

As such, The Retreat at Amherst LLC (as named in the Planning Board Notice of Public Hearing) in no way conforms to the description of R-O zoning or Cluster Subdivision. A Landmark Retreat, if acceptable anywhere, belongs instead in R-F zoning. It is my fervent hope that the Planning Board will agree.

Thank you for your consideration.

Sincerely,

Sean Burke  
50 Henry Street  
Amherst, MA  
01002





**From:** Van Kaynor [mailto:vankaynor@gmail.com]  
**Sent:** Thursday, July 24, 2014 11:52 AM  
**To:** Brestrup, Christine  
**Subject:** letter about proposed "Retreat"

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To Amherst Planning  
Board:

July 23, 2014

I have been a resident of Amherst for 55 years (1959), I have never seen a project so incompatible with the community and the land, as the proposed "Retreat". I've served both on Town Meeting and on the Transportation Committee and went to numerous meetings developing our Master Plan. I care deeply about my life time home.

I looked at Landmark Corporation's proposal and it flies in the face of our Master Plan. 681 parking spaces, 123 dwelling units to house 641 students in the small village of Cushman. There would be extensive blasting and then retaining walls, seven of them reaching a height between 20 and 28.7 feet, and stretching between 125 and 559 feet. At least three of the proposed roads would have grades of 10% in sections, making them dangerous, especially for inexperienced young drivers in winter. The scale of this project, disrupting upland forest land, would also negatively impact the wetlands species in the area.

This is completely incompatible with our 2010 Master Plan which states initially: "Amherst's Master Plan: **Maintain Amherst's existing community character.** The preservation of Amherst's community character will require a variety of different approaches, including protecting and promoting adaptive reuse of historic buildings and landscapes, focusing development in already-developed areas, creating design standards that ensure new development is in accord with existing neighborhood character, protecting critical conservation lands ..."

You, as Amherst Planning Board members have tools at your disposal, and a responsibility to discourage this development. We trust you to enforce our current laws. Landmark has asked for setback reductions, circle requirement waivers (52 lots), and frontage reductions (51 lots). Our community has these requirements just for this type of situation. Also our Superintendent of Public Works recommends that roadways be under 10% grade if they are to ever be accepted as Town roads. Proposed road A, B, and D all show 10% grades in sections. I respectfully ask that you consult experts before recommending what length, or even if, a 10% grade is safe. I do not believe that the Planning Board should determine this critical safety issue.

There is no need to approve developer waiver requests, especially when the community has spoken so strongly. This plan pushes nearly every requirement to the limit and beyond (as shown by all the waiver requests), and the scale of this project, with this difficult topography and wetlands, just does not make sense here.

There is precedent for legally standing up for our Town's rights against unwanted development. Just few months ago, the Eugene, Oregon Planning Commission told Landmark

Corporation what would be required, and Landmark walked away, unable to impose their plans on that community. The Commission stated that the proposal was not "reasonably compatible and harmonious" with the surrounding neighborhood. Amherst Town Boards need to honor our Master Plan purpose statement and stop Landmark Corporation. Town documents state: "The Town shall require concurrence with the Master Plan ..." (Section 10.1 Amherst's 2010 Master Plan)

Van Kaynor 474 Market Hill Rd, Amherst, MA 01002 [vankaynor@gmail.com](mailto:vankaynor@gmail.com) [\(413\)549-1913](tel:(413)549-1913)



RECEIVED JUL 24 2014

From: Christopher Stoney [mailto:xopherstoney@gmail.com]  
Sent: Thursday, July 24, 2014 6:20 AM  
To: Brestrup, Christine  
Subject: Objections to Landmark's proposed "Retreat" development

To the Amherst MA Planning Board:

You have undoubtedly heard from many of the residents of Cushman Village about how the proposed "Retreat" development would affect their village. I am an Amherst resident living about 3.5 miles away from Cushman Village and would like to underscore some points as to how the proposed development would affect Amherst as a whole.

Landmark's plan to build an automobile-dependent community several miles distant from both downtown and from the university it serves makes a mockery of our town's commitment to a sustainable future.

Even worse is that these 'cottages' are likely to be built to minimal energy efficiency standards and heated with electric-resistance baseboard heating (the cheapest and least efficient heating option).

The construction of an intentional student ghetto would further ghettoize the town of Amherst and take us farther from becoming the whole and integrated community we could be. The retreat would also divide the UMass student population, reinforcing the stereotype that poor folks go to college to learn while rich folks go to college to party.

The area to be developed includes the headwaters of the Fort River, which irrigates many of our local farms. We cannot risk contamination of this important water source.

I therefore urge the Amherst Planning Board not to issue any variance or to accept any proposal that does not meet the intent and spirit of existing zoning, i.e. a subdivision of family homes and cottages on parcels to offered for sale or rent to individuals, families or communal groups.

Sincerely,

Christopher Stoney





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**From:** [annholly0@gmail.com](mailto:annholly0@gmail.com) [mailto:[annholly0@gmail.com](mailto:annholly0@gmail.com)] **On Behalf Of** Ann Hollingworth  
**Sent:** Wednesday, July 23, 2014 3:38 PM  
**To:** Planning Department Email  
**Subject:** Involving Historical Commission in Retreat review

Dear Planning Board Members and Staff,

We have submitted materials to the Historical Commission and urge you to seek their input as you review Landmark's Definitive Plan and Site Plan.

The following are among the Town's "preservation tools," as cited in the Amherst Preservation Plan (p. 28):

- "to allow or encourage the Historical Commission to have input into the process of approving a new [subdivision] development that would have impacts on historic resources or town character;"
- "to give the Historical Commission a potentially important role in...Site Plan Review."

Cushman's past as a mill village is historically significant, not only within Amherst, but within New England in general. This history should be considered as you make this vital decision about whether to allow The Retreat.

In Section V.c/d of their Definitive Plan Development Impact Statement, **Historic and/or Architecturally Significant Structures**, Landmark states: "The subject property is not within the [Cushman Village National Historic] District and there are no known Historic or Architecturally Significant Structures on the property."

We argue that proposed The Retreat is surrounded by historic and architecturally significant structures, and that the development would have significant impact on the historical characteristics of the village. The Historical Commission, whose mission it is to preserve historic resources in town, should be included in your decision process.

Thank you for your consideration. I am attaching the letter we sent to you before, just in case.

Ann

Ann Hollingworth

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July 23, 2014

150 Market Hill Rd.  
Amherst, MA 01002

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Mr. David Webber  
Chair, Amherst Planning Board  
Town Hall  
4 Boltwood Ave.  
Amherst, MA 01002

Dear Mr. Webber, Members of the Planning Board, and the Planning Staff:

I am writing to express my opposition to the Definitive Plan submitted by Landmark Properties for "The Retreat at Amherst." Thank you for the time you've committed to this very complex project and for your willingness to seek citizen input.

In evaluating Landmark's Site Plan Review application, which Landmark has yet to submit, you will have to weigh many considerations. But among the most important are the first couple of items noted under "General" criteria: **11.2400** – "*Conformance with all appropriate provisions of the Zoning Bylaw and the goals of the Master Plan*" and **11.2401** – "*Protection of Town amenities and abutting properties through minimizing detrimental or offensive actions.*"

Based on the details of the Definitive Plan and the kinds of uses evident in other "Retreat"-style developments elsewhere, I believe that "The Retreat at Amherst" does not meet either of these review criteria.

In this letter I'd like to begin by briefly framing Landmark's plan within larger forces at work following the post-2008 recession, in which the luxury student housing industry took off for reasons having to do partly with the economics of higher education and partly with the economics of real estate. The net effect of these larger economic forces is that "The Retreat at Amherst" threatens to create a whole host of nuisances and harms for the residents of Cushman and North Amherst—burdens against which the zoning bylaws are supposed to protect Amherst residents. Moreover, many of these burdens are also ultimately shared by the undergraduate population who would live at "The Retreat at Amherst," were you to approve the proposal. These shared burdens afford the Town another reason to reject the proposal.

My perspective on these issues is no doubt shaped by being a historian of the environment and land use at Williams College, a resident of Amherst for fourteen of the last twenty years (with a brief stint in Sunderland), also a resident of Market Hill Rd. for the last four years, and by serving several years as Dean of Students at Williams during and following the Great Recession of 2008.

#### **Landmark's Strategy, Post-2008**

The financial crash of 2008 was extremely challenging for colleges and universities, of course. It had its own peculiar impact on private colleges, but for large public universities, as you undoubtedly know, state legislatures responded by cutting back funding, often drastically. Indeed, this response was simply a



continuation of trends already in place before 2008, but it affected many areas of campus life, requiring schools to reassess how they could maintain financial sustainability. While some schools saw enhancing students' living arrangements as part of their core mission, others did not.

At the time of the recession, companies like Landmark Properties, American Campus Communities, and EdR had already begun developing, financing, building, and managing "luxury" student housing developments that were surprisingly successful, even in the midst of such a sharp economic downturn. Able to capture a high-end market, Landmark's building of luxury student housing developments in particular took off after 2008, as their website attests: After 2008, their "Retreat" brand spread rapidly across universities in the South and Southwest from their home market at the University of Georgia in Athens to such places as Denton, Texas; Tuscaloosa, Alabama; Columbia, South Carolina; and Tucson, Arizona (see suggested link at the end of letter).

What does this have to do with Amherst? Landmark did not land here out of nowhere, and the company's strategy elsewhere is pertinent to the process you, as a board, are now engaged in.

While Landmark clearly fine-tuned a very successful product in its "Retreat" brand ("highly-amenitized" "cottage-style" housing that appealed to both students and their parents), consumer demand alone cannot explain its success. Among other things, the company has identified markets in which there was existing pressure on residential neighborhoods to absorb student housing and, indeed, has sought markets "that have higher barriers to entry" and where "it is difficult to entitle and assemble land," in CEO Wes Rogers's words, because those markets don't run the risk of being "overbuilt" (see "Ever Evolving: The SHB Interview").

Not surprisingly, then, Landmark has also developed a political strategy, often in conjunction with local town officials, in advance of the announcement of its plans to build "Retreat"-style developments, that help support the success of its proposals. Typically, these plans have involved offering something to the city – in San Marcos, TX, for instance, a designated lot to build a fire station. In a number of these municipalities, Landmark has succeeded in getting the votes necessary on the relevant city board or commission to change existing zoning laws or add amendments to master plans or to implement overlays (such as the Planned Residential Development in State College, PA) on existing zoning maps. In fact, Landmark's "cottage" brand got its start, Rogers notes in the interview cited above, because Landmark wanted to get around a zoning ordinance that prevented more than two students from living in houses: "Our idea was to build houses that were designed for students and built on properties zoned for multifamily to get around the ordinance."

For Landmark, in other words, zoning is simply another impediment to be politically or semantically engineered away, like so much earth hauled off or ledge blasted or wetlands filled in. Obviously, zoning is a human tool, not a natural feature of the landscape; I believe that zoning should be changed when city or town residents recognize the need to change it, and where there's been a fair and democratic process for changing it. But my point is that, from Landmark's perspective, in all the cases where they've built "Retreat"-style developments – as an outside corporation whose only stake in any given locale is to make a profit – existing zoning laws either work for that objective (making a profit) or need to be changed in order to meet their profit-making objective.

### **Cushman is not an R-F Zoning District**

The difference between Landmark's perspective on zoning and that of the Cushman residents I know could not be more striking. For us, the language used to define R-O zoning means what it says in the zoning bylaw and



needs to be enforced as such. It is a low-density residential neighborhood. Many of us moved here for the low density of the area and qualities that Cushman has – the combination of the modest, historic village and the wooded neighborhoods that extend beyond it. More specific to the issue at hand, R-O zoning prohibits, as stated in zoning bylaw 3.326, the building of “fraternities, sororities, social dormitories, or similar uses” in the district, and residents have a right to that expectation. That Landmark proposes “The Retreat of Amherst” under the guise of a residential cluster subdivision – when it is most akin to an apartment complex for students – is the kind of semantic engineering I refer to above. It would be laughable if it didn’t have such potentially devastating consequences for the residents of Cushman and all of North Amherst.

Last summer, I spent many hours researching the history of the R-F district in Amherst, and the Town has a long history of excluding such housing (fraternities, sororities, social dormitories, or similar uses) from low-density residential districts. In fact, at no time in Amherst’s history of zoning has it ever allowed such uses in these districts.\* At a more general level, since the late 1950s, when it was evident that the university was going to grow, Amherst residents have made it clear – as individuals, in Town Meeting, and through their elected and appointed officials – that these uses need to be set apart from residential districts. The debates in *The Amherst Record-Journal* from 1962 about the creation of the Campus Residence District (the precursor to the R-F District) will sound uncannily familiar to readers today: there you will see that town residents near the university were making the same case that residents are making now, except they were targeting fraternities in particular. Large conglomerations of students in private housing within residential neighborhoods do not work.

The hope behind the R-F district was, of course, that it could provide some boundaries between residential neighborhoods and student neighborhoods. As you know, there is a case before Land Court to determine whether Landmark’s proposal is a violation of 3.326. *But the Planning Board’s Site Plan Review criterion 11.2400 allows you all the authority to reject this proposal on the grounds that it does not conform to the zoning bylaw.* If you have any doubt that “The Retreat at Amherst” is, in fact, marketed to be a fraternity, sorority, and social dormitory all rolled into one project, then I encourage you to look at the marketing materials put out by Landmark and by the companies that now typically buy and manage the Retreats that Landmark builds, such as American Campus Communities, Inland American, and EdR. All three of these companies have marketed the “Retreat” brand in remarkably savvy ways to the two sets of consumers to whom their product must appeal: college students and their parents.

On the one hand, marketing videos for “Retreat”-style developments show that it’s all fun. Hanging out with friends, football and volleyball on the lawn, going to movies at the on-site movie theater, going to the fitness center, using the tanning salon: it’s all activities, all recreation, all the time. Lest all this fun be of some concern to parents paying high tuition bills, some of the promotional material also emphasizes that “Retreat”-style developments also provide a supportive academic environment, of the sort the university would provide. As the ACC website for “The Retreat at San Marcos” assures parents:

For many young adults, a productive college career can be the foundation for lifelong success. There will be no greater contributor to your student’s academic success than the environment in which they live. At an American Campus community, we offer *best-in-class* accommodations in an environment conducive to academic achievement and well-being.

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\* The history of what’s been allowed in R-O zoning can be traced by looking at the zoning use tables through the years.

Maybe, for some students, the “Retreat” model does provide the kind of balance they’re looking for. With the ability to pay the rents to match the accommodations, some students will find the amenities pleasant, will enjoy the access to recreational facilities, and will find it a supportive environment for being a college student.

But there’s also plenty of evidence on the Web that “Retreat”-style developments, in reality, promise more than just fun and amenities for their target consumer audiences.

### **Retreats and Student Behavior**

Where the analogy between fraternities and the proposed “Retreat at Amherst” is perhaps most evident can be found by viewing the videos on You Tube of “Retreat” parties, where it’s clear that these – like most fraternity parties on most college campuses in America – are huge, alcohol-soaked events. (You may find these videos by doing a search on You Tube, using as keywords the names of different “Retreat”-style developments in combination with “party,” e.g., “Retreat Lake Tamaha Party.”) Management of these other developments also often promote parties, which bring in many student-guests: ironically, the same American Campus Communities that was so reassuring to parents, above, saw the police close down one of its parties after it hired an “event marketing company” to promote it, and two thousand students showed up at “The Retreat at San Marcos” (See link, “San Marcos Pool Party Makes National News”). Either management or the event marketing company neglected to file an event permit.

I’m sure you can imagine some of Cushman residents’ many concerns about the prospect of such parties, but I hope my comments will also make clear that my concerns revolve just as much around students as they do around my neighbors. I’ve been a professor for twenty years, and served as dean for three, because I love working with young people of this age and supporting both their academic and personal growth. I’m convinced that “The Retreat at Amherst” would create nuisances and public safety hazards not only for residents of North Amherst but also for students themselves. These hazards, in turn, have the potential to put repeated strain on our emergency responders.

I point out in particular:

- with the Townehouse Apartments on one end of Pine Street and “The Retreat at Amherst” at the other, weekend afternoons and evenings in the spring and fall could see this entire area of North Amherst with a great many college students who’ve had too much to drink;
- Landmark’s assurances notwithstanding, there is evidence at other “Retreat”-style developments that private security, even at gated facilities, has not stopped incidents of disruptive or dangerous behavior at their sites;
- what should make these scenarios of particular concern to the Planning Board are the number of additional safety hazards that the building of “The Retreat at Amherst” puts into play for our young people and emergency responders. Among them, please note the presence of

1. Puffer’s Pond, located between the two complexes, and not far from Pine Street, which will increasingly draw students between the two complexes;



2. two railroad crossings in Cushman Village, either of which students would have to cross either as pedestrians or in cars to access "The Retreat at Amherst" from Pine Street to attend or leave a party;
3. extraordinarily high retaining walls throughout "The Retreat at Amherst," many as high as 20 feet and extending for long distances;
4. steeply graded streets, especially difficult to navigate in poor weather or in the dark.

On the one hand, parties of the size we've come to see on Meadow Street, and that occur at other "Retreat"-style developments, present the potential for widespread behavior that will create a regular nuisance for Cushman residents (what residents near UMass and other parts of North Amherst have experienced, such as noise violations, public urination, vomiting, littering, etc.), as well as more serious harms, such as potential property damages, given the proximity of "The Retreat at Amherst" to residents in Cushman Village. Presumably, that the social lives of large groups of college students and the social lives of adults in residential neighborhoods don't coexist well is one reason behind zoning bylaw 3.326.

On the other hand, by allowing another large venue for student-partying to be built, the town is simply fueling the environment for off-campus student drinking, putting students themselves at risk – for everything from alcohol poisoning to bodily harm to sexual assault. Most college students, it should be pointed out, don't intend to engage in disruptive or dangerous behavior when they begin their weekends. Problems arise, rather, from the widespread public health problem of binge drinking that leads otherwise great young people to do things they wouldn't do when they're sober. These behavioral incidents can then completely derail students' lives, be they victims of sexual assault or students suspended or expelled after alcohol-related sanctions.

As a Town, we've officially said we won't push the University to build more dormitories; as a Town, we've officially said we need to build more off-campus student housing. But off-campus housing does not have the kind of residential support systems available on campus for young people who, we know, are not developmentally able to make good judgments all the time, and many of these same students are also struggling with alcohol-dependency issues; and yet we then insist on harsher sanctions against students for their off-campus behavior.

*Everybody loses in this equation, students and residents alike.*

Given the alcohol culture among college students, why should the Town approve such a very large student housing development – 641 students– when we know these places are part of the problem; clearly do not create environments that help support the overall growth and development of these students; and, finally, will create public safety hazards and an absolutely predictable net loss in terms of the residents' quality of life?

On the basis of the first two general criteria for Site Plan Review, I ask you to reject Landmark's proposal for "The Retreat at Amherst."

Sincerely yours,



Karen Merrill

### List of References Used in Letter

To see the growth of the "Retreat" brand following 2008, note the dates of the opening of other "Retreat"-style developments here: [http://www.landmark-properties.com/communities/retreat\\_tamaha.php](http://www.landmark-properties.com/communities/retreat_tamaha.php)

Randall Shearin, "Ever Evolving: The SHB Interview," *Student Housing Business*, May-June, 2014: 65-68.

On the "luxury" student housing business, see, for instance, John Eligon, "In Student Housing, Luxuries Overshadow Studying," *New York Times*, June 14, 2013; Ronda Kaysen, "Public College, Private Dorm," *New York Times*, January 24, 2012;

"The Retreat at San Marcos," link to information to parents: <http://retreatsanmarcos.com/for-parents>

"San Marcos Pool Party Makes National News," <http://smmercury.com/2014/07/04/san-marcos-pool-party-makes-good-morning-america/>

Also: <https://www.youtube.com/watch?v=KW-tlFDQvdM>

### Examples of "Retreat"-brand Marketing Material Available on the Web

From The Retreat at Knoxville (the boilerplate video):

<https://www.youtube.com/watch?v=IXvqnMZk1Ow>

From The Retreat at Lake Tamaha:

<https://www.youtube.com/watch?v=t3UCfaRD0wg>

From The Republic at Denton:

[https://www.youtube.com/watch?v=alapsQCIs\\_E](https://www.youtube.com/watch?v=alapsQCIs_E)

Website for the Retreat at State College:

<http://www.retreatstatecollege.com/index.php/prop/home>



**From:** rose von schlegell [mailto:rosevon@gmail.com]

**Sent:** Wednesday, July 23, 2014 8:56 PM

**To:** Brestrup, Christine

**Subject:** Regarding Cushman Retreat

RECEIVED JUL 24 2014

To The Amherst MA Planning Board,

In regard to the Cushman "Retreat", I have two points below which I would like considered. One in regard to zoning and the other in regard to village centers.

The imposition of a large country club-like development for wealthier students upon the largest tract of forest between it and the Holyoke Range, with its diverse species and wetlands is incompatible with anything around it. If built, this would disrespect not only the residents, but the land and the town's own zoning bylaws, with their stated intention of stabilizing and protecting the essential characteristics of our neighborhood.

If we as a town will not be following what is clearly written in our own zoning bylaws, why are they even written there? The choice is clear to me – we must either vote to remove the following words or follow them. In article 2 of the zoning bylaws, before defining the zoning districts, it states its overall purpose as "...to stabilize and protect the essential characteristics of existing residential development, and to foster development that is compatible with the other natural and built characteristics of the area." I cannot think of how this proposed "retreat" is doing any of this.

Secondly, we need to distinguish between a village center which has a business district and one which does not. These centers need to be treated differently. For example, there is not a straight shot from the proposed student housing development to UMass or most businesses. Cushman Market is the only business there and that is due to a special permit. In what way would 641 students' individual cars driving to and from UMass and various businesses from tiny Cushman Center show that we care about our environment, our CO2 levels, our safety and easing the flow of traffic?

This corporation from Georgia has tried imposing similar proposals in other towns across the country and in some cases won and others failed. Please do the research to see the results of Landmark's developments in other towns. This sets a precedent and is an important decision for our town. I fail to see how it is in accordance with our zoning or our master plan, even if it is legal to destroy our woodlands to this extent.

Rose von Schlegell 474 Market Hill Rd, Amherst, MA 01002, 413-687-2059  
[rosevon@gmail.com](mailto:rosevon@gmail.com)



RECEIVED JUL 24 2014

Planning Board Members c/o  
Christine Brestrup, Senior Planner  
Town Hall, 4 Boltwood Avenue Amherst,  
Massachusetts 01002  
[brestrupc@amherstma.gov](mailto:brestrupc@amherstma.gov)

June 26, 2014

Dear Planning Board Members,

We, the undersigned, are all residents of Cushman. We all live in houses built between 1770 and 1870. Two of us have lived in Cushman for 35+ years. One of us served on and chaired the Historical Commission. All of us are concerned about the proposed Retreat.

To summarize, we believe The Retreat clearly violates the spirit of the Master Plan and the letter of our Zoning By-Laws. This proposed development:

- is not compatible with the natural and built characteristics of the area;
- would not stabilize and protect the essential characteristics of the existing residential development; and
- would not honor the existing historic character of the neighborhood.

### **Cushman's Historical Context**

Many of you know that Cushman Village has been nationally recognized as an historic district, but you may not be aware of the significance of Cushman's history and the relationship between the early village and the distinctive character of the closely-knit community today.

The first mill in Cushman was built on the Mill River in 1725. Throughout the 1700s, mills were built, forests were cleared for farming, hillsides were used for pasture, and businesses were set up in the village. Several houses have survived from that colonial period.

As the paper mill industry expanded along the Mill River in the 1800s, Cushman Village became more defined as a community. The labor practices from these mills shaped what is still the dominant architecture in Cushman. In the mid-19<sup>th</sup> century, New England paper manufacturers customarily employed whole families in their water-powered mills and built houses for the workers within the villages. This labor system is described in the National Historic District Continuation Sheet:

Far less labor intensive than textile mill operations, papermills were able to carry on a tradition known as the "Rhode Island" system, which principally used families for their labor force and...built single-family houses rather than the large boarding houses and later tenements that characterize contemporary New England textile mills on the model of Lowell and Holyoke... [F]amilies who worked in the mills rented single-family houses owned by the mills or bought



houses in the village. This characteristic of the papermill industry is largely responsible for the continuing rural village aspect of Cushman.

Although some of Cushman's 19<sup>th</sup> century houses were built for the mill owners and others were designed for the workers, they are all surprisingly similar in appearance. In his 1978 thesis on Cushman Village, David Miller, of the UMass Department of Landscape Architecture and Regional Planning, remarks on the consistent appearance of Cushman's "unpretentious structures:"

Most buildings are one and one-half to two-story residential structures with setbacks between fifteen to twenty-five feet from the highway... The various forms are visually unified by the use of a common material, wood clapboard siding... In Cushman, there are buildings which reflect the influence of several successive styles, however, since most building occurred during a relatively brief period, between 1830 and 1880, the predominant influence is a modest rendition of the Greek Revival style, popular in New England during the first half of the nineteenth century." (Miller, pp. 154, 156)

In an April, 1976 letter to the Planning Board, Kristin O'Connell, then chairman of the Historical Commission, stated: "Cushman's village center—a complex of individually modest buildings whose historical value is in their relation to one another and their rarity as a group of structures surviving relatively unchanged from Amherst's rural-industrial past." (Cited in Kaynor)

A few years later in 1982, local historian Fay Kaynor, in her report to the Planning Board, described the unique character of Cushman Village:

The triangle of streets displays 25 dwellings over 100 years old including three 18<sup>th</sup> century cottages. Little has been done since the 1856 laying of the RR tracks to change the fabric or appearance of the community.

The houses, in their relationship to the river which powered the mills, in their relationship to one another, and in their well defined architectural period are an undisturbed vestige of New England pre-industrial-revolution lifestyle—manifestations of which are fast disappearing from the New England landscape." (Kaynor, pp. 7-8)

Kaynor goes on to say that, while Massachusetts retains very few continuously-functioning "period" villages of natural origin, Cushman is a village which is natural, represents a clear historical period, and is very much alive.

### **Cushman Village National Historic District**

Cushman became a National Historic District in 1992 and is one of the largest and most concentrated of Amherst's 9 historic districts. The district includes houses, outbuildings, and mill foundations on Henry Street, Pine Street, Bridge Street, East Leverett Road, and State Street—in other words, much of the core of the wider village. Although Market Hill Road and Flat Hills Road were not officially recognized in this historic district, several houses on these roads predate many buildings not only in Cushman's Historic District, but also in Amherst's 8 other historic districts as well. The farms on these roads helped feed Cushman residents, many of whom were workers at the various mills, and old-timers remember walking from these roads to school on Henry Street through the very land on which Landmark wants to build this incongruous development.



In the National Historic District document we learn that, even in 1992, “the feeling of Cushman as a small, largely 19<sup>th</sup> century workers’ village” was preserved:

Post-1930 buildings and 19<sup>th</sup> century houses that have been altered or converted to multifamily use have been described as noncontributing; however their scale, setting, and workmanship have remained consistent and the integrity of the district has been retained.

Since Cushman Village was recognized as an historical district, any development in Cushman has been either tucked away or built to blend in with the prevailing Greek Revival, clapboard, single family architecture, including the affordable housing built by the Town on Market Hill Road and Bridge Street.

### **Enter Landmark Properties...**

Enter into Cushman’s history Landmark’s proposed \$6.5 million purchase of the western part of the Cushman Forest Reserve:

- Landmark intends to build a resort-style student housing development consisting of 59% duplexes in a rural village whose dominant architectural style is modest single family houses.
- Landmark asks for design exceptions including front and back setbacks of 10 feet in a village where the front setbacks are typically 15 to 25 feet.
- Landmark wants to add 175 households, probably of adults under age 25, to the Cushman neighborhood which has only 24 such households now. (*Residential Market Demand Analysis*, p. 5-12)

Landmark claims in its Definitive Plan that the plot of land they wish to build on is not within the National Historic District and that there are “no known Historic or Architecturally significant structures on the property.” This may be technically correct, but not only is the parcel surrounded by historic and architecturally significant structures, but the land itself may also be historically significant. Because of a complicated series of erroneous land measurements at both the province and precinct levels, in the 18<sup>th</sup> century, original Amherst landowners were compensated with acreage called “Flat Hills Equivalency,” in the northeast corner of what is now Amherst.

### **Our Zoning-By-Laws and Master Plan**

Landmark mentions Amherst’s Master Plan numerous times in its Definitive Plan, as if the Retreat is in keeping with our town’s vision. But Amherst’s past planners have highlighted the importance of neighborhood preservation in our guiding documents.

From the 2010 Master Plan:

- guide new housing growth so as to minimize impact on Amherst’s open space and small town rural character;
- honor the historical/cultural character and beauty of neighborhoods; (2.6)
- preserve the town’s historic fabric;

- promote the preservation, appreciation, and sustainable use of our historic and cultural resources. (2.7)

From Amherst's Zoning By-Laws, the purpose of residential zones it to:

- stabilize and protect the essential characteristics of existing residential development, and
- foster development that is compatible with the other natural and built characteristics of the area (Section 2.01)

One purpose of the Site Plan Review as set out in the Zoning By-Laws is to review:

- plans for uses and structures which may have significant impacts...on...unique and historic resources. (11.2)

The Review Criteria section of the By-Laws calls for:

- protection of unique or important natural, historic, or scenic features.” (11.2410)

In conclusion, we expect you to preserve the historic resource that is Cushman Village. It is only by prohibiting The Retreat that you can protect the predominant 19<sup>th</sup> century single-family characteristics of the existing neighborhood. We want you to exercise your powers—no, your duty—to uphold the goals of the Master Plan and the Zoning By-Laws.

There is no going back.

Sincerely,

Ann S. Hollingworth  
83 Henry Street

Edith MacMullen  
344 Flat Hills Road

Betsy Mathews  
107 Henry St.

Janet Slocum  
58 Henry St.

### Bibliography

Carpenter, Edward Wilton and Charles Frederick Morehouse. Compilers. *The History of the Town of Amherst, Massachusetts*. Amherst: Carpenter & Morehouse Publishers, 1896.

Holland, Patricia G. and William N. Robinson. *North Amherst and Cushman*. Charleston, SC: Arcadia Publishers, 2012.

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Kaynor, Fay. Chairman of Committee on the History of Mill River Settlement. “Report to the Amherst Planning Board,” March, 1981 and May, 1982.

Miller, David. *Cushman: Village in a Changing Landscape* (thesis). University of Massachusetts Department of Landscape Architecture and Regional Planning, 1978.

“National Register of Historic Places Continuation Sheet.” United States Department of the Interior National Park Service. 1991. Available at the Jones Library Special Collections.



RECEIVED JUL 24 2014

## **The Cohesive Cushman Community**

July 7, 2014

Contact Person: Jack Hirsch, President, Save Historic Cushman

The time approaches when the Amherst Planning Board will conduct its first public hearing on Landmark Properties' Definitive Plan to build "The Retreat at Amherst" in Cushman Village. Meanwhile, the Conservation Commission is also reviewing the plans, and specifically the wetlands delineation on the property. If approved, Landmark will purchase 147 acres from W.D. Cows, Inc. for \$6.5 million and begin construction of 123 "cottages" with 641 bed and bath combinations, along with as yet unnamed amenities. All of the thirteen Retreats that Landmark has so far built include a pool and a clubhouse, and most include features such as fitness centers, golf simulators, volleyball courts, and open space for gatherings.

Upon receiving a notification letter from Landmark in February, 2013, a neighborhood group immediately formed with the purpose of blocking The Retreat. The group, called Save Historic Cushman, quickly expanded from about 20 to over 200 participants. Supporters of the organization hail from not only Cushman, but also other areas of Amherst, as well as surrounding towns. But this is not the first community group to form in the village.

Cushman Village has been a cohesive community since the 18<sup>th</sup> century. In the almost 300 years since the area was first settled, villagers have joined together in a number of different ways. In the 1700s and early 1800s, residents gathered by The Elm, which stood by the town well at the northeast corner of the common. In 1845, The Methodist Episcopal Church was built on Bridge Street and, for a time, it served as the community focal point.

The first formal community group in Cushman outside of the church was The North Amherst City Village Improvement Society, formed in 1889 with 40 members. (Cushman was then called North Amherst City or The City.) The main purpose of the Improvement Society was to beautify the village. Members paid dues, and the organization also did fundraising. In the ensuing years, their projects included putting in sidewalks and gas lamps, sprucing up landscaping around the school, celebrating Arbor Day by planting trees, putting signs on the two railroad depots in the village, and generally encouraging community spirit.

The store on Pine Street has also been a gathering place for the village, beginning in 1896, when George Cogswell erected the original building. William Rackliffe owned the store, from 1936 to 1965, provided benches so locals could congregate there. Rackliffe even provided financial help to Cushman residents during the Great Depression. Until the 1980s the store was post office and gas station, as well. The store has always been a communications center for the village. Before the Internet and email, if you wanted to know what was going on in Cushman, all you had to do was wander down to the store and ask. Since the current owners, Pete Sylvan and Rebecca Schwartz, purchased the property in 2003, the store has expanded to include a 36-seat coffee shop; now the Cushman Market and Café is a gathering place for the wider community.

Another center for the village has been the school. Although the first public school in Cushman was built in 1771, the building that is currently owned by The Cushman Scott Children's Center, first a public school and since the 1960s a preschool, wasn't built until 1927. Over the years, the



primary function of all the schools has naturally been educational, but villagers have also used the school buildings for activities such as holiday festivities and community meetings.

Just as the Village Improvement Society gathered in the 19<sup>th</sup> century to keep up Cushman's appearance, in the late 20<sup>th</sup> century villagers organized on many occasions to preserve the rural character of their neighborhood. Cushman residents unsuccessfully fought a state-funded bridge built over the Mill River, but successfully lobbied against a change in the zoning bylaw that would have made 6 acres around Henry and Pine Streets "Commercial" instead of "Residential." (Town Meeting voted against the zoning change.)

The 1970s brought the formation of the 60-member Cushman Village Association in order to oppose a widening of Henry Street that would have turned it into a road similar to Route 202. The group also organized against the proposed building of a duplex in the middle of a historic neighborhood. When the Town decided to build affordable housing on Bridge Street and Market Hill Road, The Cushman Village Association made sure that the architecture of the buildings would fit the character of the neighborhood. After the housing was built, the Association held a welcoming party for the new residents. Another success of group efforts was to return the bell to the school on Henry Street.

In the 1990s, Town officials wanted to put the much-needed water treatment plant on the school playground and the baseball field behind the playground. The Cushman Village Association gathered hundreds of signatures of community members opposed to this location and convinced town officials to find another location.

But the activities of Cushmanites have not all been political. The group has also organized a number of social activities, including also contra dances, Halloween fun houses, caroling, block parties, tag sales, picnics, arts-and-crafts and local history programs, hayrides, egg hunts, and May Day celebrations. Younger villagers started a Cushman baseball league and wrote a local newspaper, *The Cushman Chronicle*, which ran for two years, was published in *The Daily Hampshire Gazette*, and was reviewed on NPR.

And now, in the 21<sup>st</sup> century, the Cushman Village Association of the 20<sup>th</sup> century has been reborn as the much larger purpose-driven organization, Save Historic Cushman. Again, the goal of the organization is to preserve the character of the village. Save Historic Cushman members include not only "newcomers" to Cushman Village and residents of other parts of Amherst and surrounding towns, but also former members of the Cushman Village Association and even "old timers" who were born and raised in Cushman, attending the school on Henry Street when it was a public school.

The activities of Save Historic Cushman include conducting regular meetings, chaired by Jack Hirsch, President; maintaining a website and blog ([SaveHistoricCushman.com](http://SaveHistoricCushman.com)), and tabling year-round at the Farmers' Market. Political efforts include scheduling candidates' nights; encouraging neighbors to run for Town Meeting; educating members about town government processes; and attendance at board meetings and Town Meeting. The organization is also active in fundraising, holding tag sales and concerts, as well as selling homemade goods. Proceeds go primarily toward paying our legal fees and hiring experts. Four abutters of the Cows land have



filed a lawsuit in Land Court, arguing that The Retreat can only be built in a Fraternity Residence zone, and not in the Outlying Residence District it is planned for.

Although Save Historic Cushman was formed around a local issue, the group has also reached out to and met with other neighborhood groups to talk about the larger issue of student housing in Amherst, recognizing that housing issues affect all of Amherst. In addition to student housing, topics have included affordable housing, rental housing, UMass on-campus housing, and the relationships among them.



RECEIVED JUL 23 2014

From: Joel Halpern [<mailto:jmhalpern@anthro.umass.edu>]  
Sent: Tuesday, July 22, 2014 1:28 PM  
To: '[jmhalpern@anthro.umass.edu](mailto:jmhalpern@anthro.umass.edu)'  
Subject: THE RETREAT -- TRAFFIC AND ITS CONSEQUENCES

TO: PLANNING BOARD

SUBJECT: THE RETREAT

Naming a projected development in undergraduate housing "The Retreat" has an obvious irony that easily solicits sarcastic comments. Certainly prospective renters (and their parents) cannot be coming to UMass primarily to retreat from something but, as we all know, they have come to the University, hopefully, to get an education which, for some may involve the learning of professional skills. But one thing is certain, whether it is, ideally, for academics or sports, or socializing they need and want to be out and doing and one would think being engaged in a series of activities during the day and evening.

All of these activities, unless they are, unfortunately, ill will involve movement. Mainly, by car. Major use of bicycles or even public transportation seem unlikely although some carpooling may be possible. The dim light that wrote the traffic study gave absolutely no attention to these factors i.e. to the people who will populate the proposed project and their values and needs. My point here is that the use of cars is absolutely different than say the proposed tenants of the Retreat as contrasted with the population of Applewood, the retirement community

Specifically the daily, weekly, monthly and seasonal traffic patterns for those living at a place like Applewood and the projected Retreat does make for a great difference in the creation of traffic flows. This is hardly a novel idea but one we must say never mentioned by the dim light who authored the traffic study. This is clearly not speculation but observable fact with which we are all familiar.

In the case of the projected Retreat project of critical importance is the proximity to a busy railroad line with daily traffic of long freight trains, especially in the evening hours when many of the projected tenants will want to be mobile for a whole series of reasons which don't require listing here. I can't imagine that the tenants will have much patience with an unlit, narrow and winding Henry Street but will they wait for the trains to pass?

Focusing on the needs and living patterns of the prospective tenants is not our primary concern here since this will only become totally clear once the Retreat is built but how a completed project will affect the current inhabitants of Cushman is not only of concern for the residents but, of necessity needs to be of concern for all inhabitants of Amherst for if such a mega development housing more than half a thousand people can be imposed on people in Cushman there is no reason to suppose that this style of development can be built anywhere in Amherst even if there is no supporting infrastructure such as roads or lighting.

Should traffic flows funnel through Cushman and onto Pine Street it is hard to imagine how the generations old nursery school will survive the major traffic jams that will be created.

More than half a thousand plus people on the move, in and out, all day every day and much of the night as well thru small streets in Cushman.

How can cramping and crowding be avoided? Henry Street is not North Pleasant Street. In the latter case we have a multi-lane junction, a straight street and no railroad line interference, plus a signal.



**From:** Janet Poirrier [mailto:jpo.vox@gmail.com]

**Sent:** Wednesday, July 23, 2014 9:27 AM

**To:** Planning Department Email; Tucker, Jonathan; Conservation Department Email; Willson, Elizabeth; Malloy, Nathaniel; Brestrup, Christine

**Subject:** final thoughts regarding Retreat

Dear Members of the Boards,

In addition to previous comments I've sent, I have additional ones I'd like to add. Please forgive any repetition, and also, admittedly, some of my comments will be very subjective. I still feel they are important, since the property my sister and I purchased from Cows in 2012 is one of the most heavily impacted due to proximity.

#### *DEVALUATION*

This house, into which we moved in 2013 as a new residence, cannot maintain its present value if the Retreat is approved. Nor, probably, can other on residences on affected streets. As direct abutters, at 290 Flat Hills, we have tangible losses at stake in our investment.

#### *STUDENT HOUSING*

No one is fooled by Landmark's legal terminology. "Residences," whether single or multi-family in their plan refers to student housing, or dormitory living, or "similar use related to [any of the Four Colleges]." Landmark markets themselves as student housing contractors.

Even if it is student housing, will there be provisions for physically disabled students? Will there be handicap parking? Any person in a wheelchair would be taking their lives at risk negotiating the proposed grades and roadways.

#### *RO ZONING*

RO zoning does not permit student housing, nor does it permit apartments or townhouses.

1. What is the difference between Cluster development, apartments, and townhouses?
2. Is Echo Hill, where I lived for over 20 years, Cluster or Townhouse?
3. Is Amity Place Cluster or Townhouse? If its units are Townhouse style but clustered together, which is it?
4. What makes the Retreat Cluster and not Townhouse?
5. With ambiguities in mind, I resort to the Bylaws, Section 3.3:

*For the purposes of this Bylaw, existing and future uses of land, buildings and other structures shall be allocated among the following categories. It is intended that every possible use be included in some category, and a use*

*that does not readily fall into any category listed shall be included in the one to which it is most similar.*

I believe most of us have been comparing apples and oranges, one reason that consensus is not forthcoming. *Cluster/apartment/townhouse* refers to a physical appearance and layout, whereas *use* of those buildings has very little to do with external layout. What is the objection or compliance directed at? Cluster housing? Student housing? Who is defining what?

I personally contend that we, as a town, community, whatever, cannot skirt around the issue of use of the proposed project. It is fully intended as student housing, no matter how the externals fall into place.

#### *FAMILY UNITS*

If Landmark contends it is single- and multi-family residences, where are the provisions for children, school buses, playgrounds, recreation areas, etc.? Dense student housing does not conform to the Town's definition of Family (Article 12:16).

#### *INCOMPLETE TRAFFIC STUDIES*

Flat Hills Road is the most rural of the affected roadways. I take strong issue with the 400-ft "clear visibility" of Landmark's traffic *non*-study of Flat Hills. This road has multiple small dips and tight curves creating blind spots to drivers and pedestrians alike. MassDOT requires that all roads affected by a development be assessed.

On any given day of the week, Flat Hills Road is regularly populated by pedestrians walking their pets; recreational bicyclists; runners; horseback riders; recreational hikers; snowmobilers; x-country skiers. The diversity and frequency of "traffic" on Flat Hills demands closer scrutiny. I demand, as an abutter, that such a study be performed adequately and thoroughly to prevent possible future injury or personal loss.

#### *ARCHITECTURE*

Put bluntly, the architecture of the proposed Retreat structures is hideous. It may have relevance out West or in the South where Stick-style architecture is common, but the faux Queen Anne, gingerbread, Victorian style has *no* place in North Amherst. It's a mongrel of cottage-y goodness that can only appeal to the most banal and frothy-minded tastes. I see a future of ice dams, broken rick rack, and faded cheap siding when I look at it. It's not even camp. It's kitsch. And I think the Historical Commission ought to take a hard look at it.



### RESALE

Landmark will resell the project. If any members of the boards have done intensive research on Landmark, you will find that this is regular practice, sometimes within days of completion.

### FUTURE OF COLLEGE ENROLLMENT

Research and multiple studies show that college and university enrollments are dropping precipitously, partially due to the exponential popularity of Online Courses. I refer you to the following:

Hoover, Eric. *Bracing for Demographic Shifts, Colleges face Tough Trade-Offs*. CHRONICLE OF HIGHER EDUCATION. Jan 19, 2014.

Bidwell, Alice. *Report: Higher Education Creates White Racial Privilege*. U.S. NEWS & WORLD REPORT. July 31, 2013.

McGann, Jim. *KPMG Survey: College and University Leaders Increasingly Concerned About Maintaining Student Enrollment; inability to pay tuition, changing demographics...* [www.kpmg.com](http://www.kpmg.com)

[Please see [this link](#) for more on the future of Higher Ed]

Bidwell, Alice. *College Enrollment Falls for Second Year in a Row*. U.S. NEWS & WORLD REPORT. Dec 12, 2013

Jaschik, Scott. *Feeling the Heat: The 2013 Survey of College and University Admissions Directors*. INSIDER HIGHER ED. September 18, 2013.

Wieder, Ben. *College Enrollment Expected to Slip*. PEW CHARITABLE TRUSTS, Education Issue. Jan. 16, 2013.

### GOOD IDEA/BAD IDEA

I work at Amherst College in the Library and have my ear to the ground every day as to the direction of both public and private Higher Education in the US. With what I've heard, read, and discussed as a part of my profession. These questions stand out in my mind:

1. An *immediate* investment in alleviating student housing in Amherst is short sighted and unpredictable. Jumping at a chance opportunity when "markets are down" so to speak, could be disastrous to quality of life enjoyed by permanent residents. I think the Retreat has provided opportunity to open more engaged planning for the town, from all constituents.
2. If the Retreat is built, what will it look like in 5 years? 10 years?



3. I have written to the Conservation Commission regarding wildlife. Disregard for ecological factors affecting development--even from the seller--gives me deep pause.
4. White privilege is a reality with this project. Where is Amherst's commitment to diversity? To lower income housing?
5. The Retreat is a fish out of water. It doesn't fit in Amherst *anywhere*. It belongs by a mall.

This is all I have to say.

My desire has been to inform Members of the Boards not only of my subjective responses to this proposed project, but also of information which is compelling, worthy of consideration, and current.

Best regards,

Janet Poirrier

290 Flat Hills Rd.



RECEIVED JUL 23 2014

July 22, 2014

Members of the Amherst Planning Board,

I am writing to outline a number of considerations that I hope you will carefully weight and take into account in the process of evaluating the proposed "Retreat at Amherst" submitted by Williams & Associates of Athens, Georgia. These considerations catalog a few key matters in which—from my viewpoint as a resident and designer—this development would severely disrupt and degrade the nature, scale, and quality of Cushman Village in Amherst, Massachusetts.

After renting for 16 years and living in the Pioneer Valley for the last decade, my partner and I purchased our first home in Pine Street last November. We searched properties for nearly a year across many towns, looking for a house that we could both afford and enjoy in a setting where there was a true sense of community and place. We found these qualities in a home in Cushman Village, a small community with a coherent physical character, respect for its surroundings, and a tightly-knit group of neighbors.

I would personally welcome the addition of new residential and mixed-use development in North Amherst, if planned in a balanced and sensitive way that dovetails with its environs. The Retreat at Amherst, however, is neither appropriately scaled or designed for a historic New England village with a predominantly rural character. Speaking as a former architect and city planner, the Retreat threatens to tear the fabric of this community in the following ways:

- The core of a village is its collective spirit: residents know each other, they share a common public space (the village Common) and thoroughfares, they live in close proximity to each other. As designed, the Retreat would essentially function as a gated community, with private roads and complete physical isolation from the village center. This disconnection violates the very essence of what makes Cushman Village a charismatic, interconnected, and livable place. It also violates our Master Plan's stated goal of "maintain[ing] Amherst's community character."
- The development's size (650 student residents, 143 acres, 681 parking spaces) is out of scale with its neighboring community. There is no other building compound that even remotely compares to the proposed development in extent or scope. As such, it



threatens to overwhelm and disrupt the character of its surrounding residential, forest, and agricultural lands.

- The internal layout of the subdivision's housing, with its single rooms with private bathrooms and scant shared spaces, is clearly intended to accommodate exclusively student residents. Unlike single family homes or true duplexes, which can be easily modified by their owners over time to serve a variety of needs, the proposed housing lacks a sense of flexibility or accommodation toward other future uses. Should the Retreat fail to function as a student housing compound in the future, who will be willing to live there?
- Dwelling exteriors are completely out of character with their physical settings and incoherent in the context of a former New England mill village. The fact that the developer would deploy the same building design in places as far apart as Arizona, Georgia and Massachusetts is indicative of a "cookie-cutter" design ethic, whose primary concern is not to fit in with its surroundings but to optimize a real estate product and maximize private profits.
- The proposed development requests multiple waivers from the existing zoning code. At a bare minimum, from a design point of view the development's architecture and planning should seek to satisfy LEED certification (Leadership in Energy and Environmental Design) in exchange for the long list of exceptions it seeks.
- The land that the developer seeks to build on hosts an array of wetlands, perennial and intermittent streams. Disrupting the ecology and hydrology of this land through extensive construction—no matter how many "Best Management Practices" (BMPs) it employs—will diminish its ability to absorb and channel water during precipitation events, potentially leading to safety concerns and disruptions to residents living downhill from the site. An increased amount of water discharge from the site might also negatively impact Hawley Swamp. These outcomes would place this project in direct contradiction with the Amherst Master Plan's goal of "promot[ing] an ethic of sustainable environmental and energy practices in all Town activities."

From the perspective of a property owner and the father of a six-month old child, the Retreat raises the following concerns:

- The proposed development will undoubtedly lead Pine and Henry streets to become primary thoroughfares channeling students from the Retreat to the UMASS, downtown Amherst, as well other major destinations and travel (such as Route 116 and Route 9). Excessive traffic volume and speed (the speed limit on Pine Street is already frequently exceeded by gross margins!) issuing from the development would surely pose a threat to children playing near their homes, vehicles backing out from residential driveways, as well as cyclists and pedestrians.
- The volume and duration of blasting and site work performed by heavy machinery would reverberate through the neighborhood, disrupting the quiet atmosphere that Cushman's residents value. Remember that the proposed site for the Retreat is at considerable elevation in relation to the village center, and is backed by a hill which will essentially cause all construction noise to ricochet through the neighborhood.
- Similarly, if constructed and populated primarily by 650 students, all partying and unwelcome night-time noise originating from the Retreat will travel through the village, to the chagrin of its permanent residents.

Finally, from the standpoint of a citizen of the Town of Amherst:

- In the Definitive Plan Impact Statement, the developer states that project construction will require significant grading, digging, relocating and export of heavy site materials ("Graded Area 50.5 acres"; "Cut Quantities 290,495 CYD"; "Fill Quantities 236,817"; "Export 53,779"). The vehicles and machinery required to handle and transport such large quantities of stone and soil will surely cause significant damage to public road and related infrastructure that town residents—not the developer—pay to maintain and repair. Please consider this as a cost to balance against any possible tax income that the Town figures it would generate from such a development.
- Many, if not most, of Cushman Village's residents and the project's direct abutters strongly oppose the proposed Retreat. Can the Town of Amherst afford to disregard the position of a group of citizens and land owners who will be directly affected by such a project and who, by virtue of their personal experience living in this

neighborhood over time, deeply understand the spillover effects of such a project on their homes and community?

In conclusion, I urge the Planning Board to carefully evaluate the above-mentioned concerns as it proceeds with the review of the Retreat at Amherst. There are less destructive, more creative, sensitive, and long-term approaches to residential development in our community than a project as ill-conceived as the Retreat.

Thank you for your time and serious consideration of these matters.

Respectfully,

Daniel Berry  
517 Pine Street  
Amherst, MA 01002



RECEIVED JUL 23 2014

-----Original Message-----

From: Gilbert Lawall [mailto:glawall@classics.umass.edu]

Sent: Wednesday, July 23, 2014 12:07 AM

To: Brestrup, Christine

Subject: Amherst Planning Board Re Retreat

I have lived in North Amherst for forty-seven years, during thirty-four of which I taught at the University of Massachusetts. I have enjoyed living in North Amherst, and I would like to see the quality of life in this part of town preserved for years to come, as it should be in accord with the 2010 Master Plan, concerned as it is with maintaining "Amherst's existing community character." I am in strong agreement with the numerous statements from members of Save Historic Cushman and others who oppose The Retreat as incompatible with the 2010 Master Plan, and I hope that if the Planning Board finds The Retreat incompatible with that Plan it will turn down Landmark Corporation's proposal and preserve the present character of Cushman Village and North Amherst.

Sincerely yours,  
Gilbert Lawall  
71 Sand Hill Road  
Amherst, MA 01002



**From:** Richard Sclove [mailto:richardsclove@gmail.com]

**Sent:** Tuesday, July 22, 2014 7:05 PM

**To:** Brestrup, Christine

**Cc:** Richard Sclove

**Subject:** Re: The Proposed Retreat in N. Amherst

RECEIVED JUL 23 2014

Dear Members of the Planning Board,

I am writing to explain a few economic and moral considerations that I hope you will take into account in deciding whether to allow the proposed Retreat in north Amherst to move forward. Last November I detailed some reasons that the Retreat would impair the quality of life in Amherst as a whole (see below). In this letter I want to focus on a narrower issue: the impact on immediate neighbors.

From a public policy standpoint, there are many ways to think about any proposed development project. One involves taking into account the spillover effects on people who are not directly party to the undertaking.

In general, a healthy development produces neutral or positive spillover effects. An example would be the Amherst Cinema project, which has produced many positive spillover effects for our downtown and for the town as a whole. In contrast, an unhealthy development produces many negative spillover effects.

In the case of the proposed Retreat, the forceful opposition of its neighbors tells us that they anticipate that the spillover effects are going to be overwhelming negative. Here's a crude attempt to quantify the extent of these negative effects.

Let's say that there are on the order of 100 private homes in the immediate vicinity of the Retreat – that is, abutting the Retreat or just across the street from the houses that abut.

Here's some pertinent background data: In 2013 my wife and I decided to sell our house of 21 years in downtown Amherst. We did this only under duress, after private developers bought up several adjacent private homes and turned them into undergraduate student rental houses. A neighborhood house comparable to ours – but not surrounded by student rentals – went on the market during the same period and sold promptly for \$450,000. In contrast, owing to the surrounding student rentals, our house sold one year later for \$342,000, plus it cost us \$14,000 to carry the house unoccupied for a year (paying for insurance, property tax, utilities, and routine maintenance). Thus we know that becoming surrounded by student rentals cost us about \$120,000 in lost property value. This is not a hypothetical calculation. We really suffered that loss.

So let's imagine for the sake of argument that building the Retreat – which would put some 641 undergraduate students into 123 new houses in the Cushman Village area – would cause an average direct reduction of property values to the closest surrounding 100 homes of \$50,000 each. Based on our analogous experience downtown, \$50,000 per house is a conservative estimate. This means that the Retreat might cost its neighbors collectively on the order of \$5 million in lost property value (that is, 100 houses X \$50,000 loss/house).



But the direct loss of property value is only tip of the iceberg in terms of the Retreat's adverse impact. The accompanying psychological cost will be much higher.

In our case downtown, we were forced to give up a home that we had renovated, expanded, and loved for 21 years and where we had raised our family. We experienced the deterioration of a once-beloved family neighborhood that had been the original reason for our wanting to live in the area. We suffered the enormous stress of living near undergraduate neighbors who came and went annually without putting down roots and a meaningful minority of whom were enormously inconsiderate and ill-behaved (e.g., waking us up frequently at all hours of the night). Finally we were compelled to move against our will.

Although there is no way to put a dollar value on the loss of a way of life and a household full of memories that one holds dear, economists sometimes try to approximate it by asking those adversely affected if there's a sum of money that would make them whole – that is, that would fairly compensate for the harm that has been imposed upon them as innocent bystanders.

Let's imagine this exercise for the 100 closest homes to the Retreat. If you asked the neighbors if there is an amount of money that would make them willing to accept the Retreat as a new neighbor, I imagine that you would hear a wide range of answers. A few people might say, "Sure, I'm not much invested emotionally in the area or my home. Give me \$50,000 and I'll be OK with it." But many more would pick a larger number – I'm guessing typically in the vicinity of \$200,000 or more in return for reduced quality of life or the cost and stress involved in moving. And then there are those – perhaps people who have lived in Cushman Village for decades and who feel especially attached to the land and their neighborhood relationships – who would honestly say that there is no amount of money in return for which they could learn to co-exist peaceably with the Retreat. For this latter group, the psychological cost of the Retreat is effectively infinite. Offer them \$5 million or even \$50 million each, and they'd say, "No thank you. I'd rather have no Retreat than any amount of money."

For this reason, we can't quantify the true adverse psychological cost of the Retreat. But for the sake of argument, let's say that, on top of the direct loss of property value, the average additional psychological cost to the 100 closest households would be \$200,000 each. Again, considering that for a number of neighbors the real number is infinite, this is a conservative estimate. This amounts to a total psychological cost of \$20 million (100 houses X \$200,000 each).

This thought-exercise indicates that the cost of the Retreat to its 100 closest households might plausibly be in the vicinity of \$25 million (that is, \$5 million in lost property value + \$20 million in additional psychological harm).

This is a conservative estimate not only for the reasons I have stated, but also because the actual extent of households that would experience strong negative effects and whose owners vigorously oppose the Retreat is much wider, as revealed by their display of anti-Retreat signs, than the 100 closest houses that my estimates take into account.

In short, property owner Cinda Jones is going to realize \$6.5 million from a private transaction by imposing something like *four times* that amount in harm on the project's closest neighbors.

On the other hand, perhaps there are some townspeople or officials who believe that there are enormous off-setting benefits to the town as a whole in allowing the Retreat to move forward. If

that is the case, then from a moral and public policy standpoint, the town – or the particular residents who will realize these imagined huge benefits – should be willing to come forward and pay compensation to the adversely affected neighbors (i.e., on the order of \$25 million, only taking into account those most directly affected).

Of course, that won't happen, because in reality no one imagines that the off-setting benefits, if any, will be of that magnitude. For instance, as I explained in my November letter (below), any net economic benefits to the town are entirely speculative or dubious, since we have no idea what the town will wind up paying in additional infrastructural and public safety costs.

Likewise, it is simplistic if not foolish to imagine that building the Retreat will provide important benefits by protecting other Amherst neighborhoods. For instance, students in my former downtown neighborhood typically pay \$600 per month to live 15 minutes or less by foot from UMass. Very few such students will opt instead to pay \$800/month for the privilege of living several miles from campus at the Retreat. And in any case, it is unethical (not to mention remarkably uncreative, from a planning standpoint) to envision protecting one neighborhood by shunting comparable harms onto another. We should instead be creating a town that offers a high quality of life to all residential neighborhoods and that is consistent with the sound principles enunciated in the town's master plan.

In short, my estimates in this letter offer one indication that from the standpoint of public wellbeing, the Retreat involves tremendous false economies and moral indifference.

If Ms. Jones or town leaders who have supported the Retreat ever thought that this undertaking would be welcomed as an overall benefit to the town, they have miscalculated badly.

If Ms. Jones cares for the well-being of her fellow citizens, she should be eager to rescind this project. If she cares for her family's generations-long reputation as good stewards of the land, she should rescind this project. And if she does not, I respectfully submit that the Planning Board and Conservation Commission should execute their duty to act on behalf of the town's best interests by doing everything within their considerable power to prevent this ill-considered project from moving forward.

There are ways to envision developing the land where the Retreat would be located that would produce minimal adverse spillover effects. The Retreat – a beckoning party zone for adult-unsupervised undergraduate students – is not one of them.

Thank you very much.

Sincerely,  
Richard Sclove  
127 High Point Dr  
Amherst

[RichardSclove@gmail.com](mailto:RichardSclove@gmail.com)  
Tel. 413-256-8727



**From:** Richard Sclove

**Sent:** Friday, November 22, 2013 8:54 AM

**To:** [brestrupc@amherstma.gov](mailto:brestrupc@amherstma.gov)

**Subject:** Re: The proposed Retreat in N. Amherst

Dear Members of the Planning Board,

The Retreat proposed by Landmark Properties is a disastrously poor concept for any location in Amherst. UMass undergraduate students have repeatedly shown that when they gather in large numbers in a party atmosphere, noise, litter, disrespectful and even criminal behavior frequently rise to unacceptable and dangerous levels. Obviously this is not true of all students and not even of a majority. But when these large party gatherings occur, such unacceptable and dangerous behavior predictably emerges from an appreciable minority.

On this basis, Landmark Properties advertises its student Retreat Properties as having the demographic composition, design, layout and amenities guaranteed, in effect, to create exactly the student housing conditions that Amherst least needs.

The only real promised upside to the proposed Retreat involves the supposed economic benefits, and they are entirely speculative and indeed dubious. There is no guarantee that expensive student housing located far from the University will actually be full, meaning that revenue and tax projections based on near-full occupancy may well be wildly over-optimistic. At the same time, no effort whatsoever has been made to calculate the true off-setting economic costs to the town (e.g., in terms of increased traffic and traffic accidents, driving-under-the-influence traffic accidents, added police, fire protection and ambulance costs, added expansion and maintenance of town roads and sewer systems, etc.). Rather than irresponsibly wring our hands and say "we can't accurately estimate those off-setting costs, and so we'll assume that they are negligible," the Town must insist that the burden of proof rests squarely on Landmark Properties to demonstrate convincingly that the off-setting economic costs will be small or acceptable. If Landmark cannot do that through rigorous impartial analysis, that alone would be a sufficient reason to oppose the Retreat.

There is also a real, severe financial cost to adjacent and nearby property owners. For instance, I know of a house in downtown Amherst that recently became surrounded by UMass undergraduate renters. The value of that property swiftly declined by more than \$100,000 (more than 25%), as the owners learned for a fact and to their dismay when student behavior forced them to move and then they tried to sell the house.

The same phenomenon will happen to the many Amherst homeowners who live anywhere in the vicinity of a massive student housing complex like the Retreat, which is located in the heart of a village center and along multiple traffic arteries running from North Amherst and surrounding hill towns into Amherst Center.



The resulting increased traffic along those arteries will also encourage residents in northeast Amherst and surrounding hill towns (e.g., parts of Montague, Leverett, and Shutesbury) to bypass the center of Town, thus hurting the downtown businesses that we want to support.

While the Retreat is a disastrously poor concept for any location in Amherst, from a townwide perspective it is a particularly bad idea for its specific location in Cushman Village. The proposed Retreat lies close to major town recreational and natural amenities that serve the entire town, including Puffer's Pond, Atkins Reservoir, and extensive networks of marked and unmarked trails (including important portions of the Frost, M&M and Whitman trails). During the quarter-century in which my family and I lived in downtown Amherst, it was these exact outlying amenities that provided our principal outdoor enjoyment. Allowing these amenities to risk becoming overrun with boisterous, adult-unmonitored UMass students will cause the entire town to suffer from the impairment of these amenity values. That is a loss in quality of life for the town as a whole, and that loss will, in turn, translate into a loss in property values townwide (inasmuch as property values reflect, in part, proximity to wider amenity values).

I hope that the Planning Board and other pertinent Town committees, board and offices will do everything possible to block the Retreat as proposed by Landmark properties. I have no principled objection to the development of that land plot for other suitable purposes that are compatible with Town values, character and objectives. But the Retreat is absolutely antithetical to everything this Town treasures and aspires to become.

If UMass needs additional undergraduate housing then – given the University's demonstrated inability to date to satisfactorily manage the off-campus behavior of its student body – that housing should be built on campus rather than imposed as an intolerable burden on the Town and its residents. UMass can, anytime it wishes, take the lead in seeking policy changes that would facilitate this possibility.

Thank you very much.

Sincerely,  
Richard Sclove  
127 High Point Dr  
Amherst

[RichardSclove@gmail.com](mailto:RichardSclove@gmail.com)  
Tel. 413-256-8727



To Members of the Planning Board:

We know that you have had many thoughtful letters from Amherst residents regarding the request by Landmark Properties to build "The Retreat" in Cushman. We join with our fellow citizens who have raised objections to this proposal and urge you in the strongest possible terms to deny this request. There are so many things wrong with this proposal that it is hard to know where to begin.

First, the proposed project is quite clearly illegal. It is apartment-style housing (though of a peculiar type) for a part of Amherst zoned R/O. In this rural and residential neighborhood, a wooded area in which the units are almost exclusively single-family homes, it is obviously out of character and inconsistent with the zoning. This fact alone should end the discussion.

Second, Landmark's presentation is plainly disingenuous: on the one hand it markets "the Retreat" as providing amenities for students, things they supposedly could not get on the campus of the University of Massachusetts (the "wow factor"); on the other hand it describes the units as being single family and duplex units. But many of the units feature 4 bedrooms and 4 bathrooms—which are obviously not intended for families! It is clear that Landmark is using two different descriptions of this project in its presentations, pretending that the "Retreat" will add to the general housing stock for families on the one hand, and that it responds to the supposed need for student housing on the other. It cannot be both student housing, suitable for unrelated persons, and family housing. Apart from the nature of the units themselves, no family would choose to live in a development aimed at 700 students. Moreover, the University is not planning a major expansion: some local landlords are rightfully concerned that 700 additional units will cause a glut on the market, to the disadvantage of those already renting to students.

Third, the proposed "Retreat" is inappropriate for the land itself. At this point the Conservation Commission has not yet accepted the delineation of wetlands. The Commission is still waiting for Landmark to submit an amended proposal to repair the damage done (by the firm they hired) in surveying the property—hardly a good omen for Landmark's promises to be careful with this beautiful section of Amherst. But it is clear that this wooded section, with its predominance of rock ledge and stony soil, its hills and wetland areas, its function as important habitat and corridor for wildlife, is altogether unsuited to the kind of "cluster" housing that Landmark proposes to build and has built elsewhere. Their housing developments in other communities, and in the brochure they submitted to the Town of Amherst, assume flat land and open space. They feature units close to the street, looking like the McDonaldization of housing—plastic, non-distinctive, dominating rather than fitting in with the environment. There are only token trees.

The woodland of Cushman is very different from the spaces envisioned by Landmark, and the amended plan they have submitted begins—but only begins—to acknowledge the amount of damage that would be done to the environment in putting the proposed number of housing units on the site: high retaining walls, excessively steep grades, and blasting to create surfaces on which to build, all detrimental to wildlife and disturbing to the entire Cushman area. Given the disruption (and outcry) over the recent excavation for an existing single-family dwelling near Puffer's Pond, the Planning Board should view with great concern any attempt to put a large number of units on this property.

Fourth, the proposed development is in the wrong place in relation to the population it purports to serve. Landmark represents this as housing for students (and advertises amenities inconsistent with the rural character of Cushman, but actually available at the University itself). The proposed



"Retreat" is 3 miles from the university. And what is it a retreat from? From the academic life—libraries, laboratories, and classrooms—that should be at the heart of the university experience?

Fifth, a large development in Cushman will not only cause damage to the environment and to the community in which it is placed; it will also create major traffic hazards. All access roads to the University from the proposed site lead through already difficult roads and traffic situations. We have stop signs at non-standard intersections with limited visibility, already busy with morning and evening traffic, at the bottom of steep hills and leading across railroad tracks, down narrow and winding roads, through residential areas. These roads are safe only for very careful drivers and are barely able to handle existing traffic. For 600 or 700 students in a hurry, on their way to morning classes, in the winter, with slippery roads and reduced visibility at corners with piles of snow, the roads are bound to lead to serious accidents.

If you are even remotely inclined to grant approval to this development, we urge each of you to drive from the proposed site—down Market Hill Road or Flat Hills Road, onto Henry Street, onto Strong Street, past Wildwood School, across East Pleasant Street and to the University—or down Market Hill Road, onto Bridge Street and Pine Street and onto North Pleasant Street or East Pleasant Street—during morning and evening rush hours—to see whether you really believe that these streets are adequate to bear the greatly increased volume of traffic that would result. As we drive these roads, the idea is inconceivable and grotesque. It would not only be highly disruptive but dangerous to students themselves and to the residents of the area.

Landmark purports to address traffic concerns by stating that mass transportation and bicycling will be encouraged. But this is simply a fig leaf: if Landmark were serious about students riding their bicycles, they would not put so many parking spaces (more than the number of residents!) into their plan. Of course, some residents do bicycle on these streets—but it is risky: all the roads leading from the proposed development are narrow and winding; there are no bicycle lanes, and the surfaces are rough. And the bus service to Cushman is very limited, hardly enough to encourage much use of public transportation. Both public transportation and increased bicycle use should be encouraged—but the existing infrastructure does not support it, and the Landmark proposal would exacerbate, not improve, the situation.

For these and many other reasons, we urge you to stand up for the land itself and the citizens of the Town of Amherst. Please reject this out-sized, ill-conceived, and short-sighted project.

Sincerely yours,

Harry and Sharon Seelig  
74 Morgan Circle  
Amherst

July 22, 2014

**From:** Betsy Mathews [mailto:magistramathews@gmail.com]  
**Sent:** Tuesday, July 22, 2014 12:32 PM  
**To:** Brestrup, Christine; Willson, Elizabeth  
**Subject:** Letter to Planning Board concerning Henry St wetlands

Planning Board Members  
C/o Christine Brestrup, Senior Planner  
Town Hall, 4 Boltwood Walk  
Amherst, Mass 01002

RECEIVED JUL 22 2014

As Henry Street abutters to Landmark's proposed Retreat development we are concerned about the future of the wetlands on our property. Both salamander tunnels exit onto our property which also contains the wetlands that are breeding grounds for the spotted salamander and are part of the Hawley Swamp.

The size and scope of the proposed development present several risks to the health of our wetland property and the Hawley Swamp Conservation Area: the loss of vegetated and forested land to impervious surfaces will alter the watershed hydrology that recharges this wetland. The Massachusetts Department of Energy and Environmental Affairs cites a demonstrable loss of aquatic system functions resulting from a 10-15 percent impervious area in a watershed. The vast size of the development, the extent of paved surfaces and the massive amount of clearing and blasting undertaken during the construction phase will permanently affect the downstream water processes and produce an immediate, deleterious effect on our wetlands and the Hawley Swamp Conservation Area.

During and after construction downstream drainage and groundwater levels will be altered and urban runoff pollutants carried into the swamp from the development's roadways, parking areas and lawn care will degrade the wetland's ecosystem and biological function.

We are also concerned by elements of the Definitive Site Plan. The Existing Hydrology Report seems to suggest that storm water does not flow from the Cows timberland onto our property and into the Hawley Swamp, contradicting three decades of personal experience with an intermittent stream that regularly rushes across our property after heavy rains on its way to the swamp. Additionally the Developed Hydrology Report seems to show 2 basins (#2 and # 7) whose overflow will be carried away from the site in the municipal drainage system thereby reducing groundwater recharge.

Although Landmark will be required to protect or create wetlands on the Retreat site itself we are concerned that the health and viability of this neighboring conservation asset will be fatally compromised by the proposed project.

We strongly urge the Planning Board to require an independent report on the long term effects of this project on the health of the Hawley Swamp.

Respectfully,  
Betsy K. Mathews  
Philip C. Mathews  
107 Henry Street, Amherst  
July 22, 2014

cc: Elizabeth Willson, Wetlands Administrator





Arleen Thomson  
Chuck Bellinger  
301 Flat Hills Rd  
Amherst MA. 01002

RECEIVED JUL 22 2014

July 21, 2014

To members of the Planning Board,

We are writing in concern of the Site Plan Review 11.2 proposed for the development of student housing in an RO district in the Historic Cushman area.

How could this development be approved based on the numerous requirements of the site plan review?

At a time when there is so much upheaval between the town and the University, we find it inconceivable that this will enhance our town in any way.

The first paragraph addresses the health safety convenience and general welfare of the inhabitants of the town.

This alone brings up multiple concerns:

- The quality of life of 200 families will be forever altered

- The traffic will increase significantly

- Pedestrians and bicyclist safety will be jeopardized

- There is no room for sidewalks in many areas

- The grades of these roads are dangerously steep especially for inexperienced drivers

- Driving without snow tires is extremely hazardous and many people have studded snow tires to drive up Flat Hills Rd

- Views are obstructed during winter due to snow banks.

- There is a 3 way intersection at the bottom of Flat Hills Rd and Shutesbury Rd leading out to Northeast St. which have already resulted in accidents

- Students will be crossing over railroad tracks from two exits multiple times/day. These train tracks have no rails.

- The roads are already in terrible condition; adding 680 or more cars making multiple trips daily will create more wear and tear.

- Housing 680 or more students miles from campus in the woods is a recipe for disaster for their safety, our safety, our quality of life, valuation of our homes and many other issues.

We strongly encourage you to reject this development.

Sincerely,

Arleen Thomson and Chuck Bellinger



RECEIVED JUL 22 2014

**From:** Christina Nuesslein [<mailto:christina.nuesslein@gmail.com>]  
**Sent:** Monday, July 21, 2014 9:20 PM  
**To:** Planning Department Email  
**Cc:** [hirsch.ja@gmail.com](mailto:hirsch.ja@gmail.com)  
**Subject:** opposition to The Retreat

Dear Sir or Madam:

We are writing to state our opposition to the building of the Retreat. A large student housing complex is out of place in the tiny village of Cushman. It will completely change the character of the little cluster of houses around the center of Cushman as well as ruin the farming atmosphere of North East Street.

We are especially worried about the additional traffic. With close to 650 beds proposed, that means 650 additional vehicles on the roads. Students do not normally travel at rush hours; their schedules make it possible for them to go to classes, do their shopping, and run errands at any hour of the day. Visiting friends or going out allows for cars travelling home at any hour of the night. Even though there will be shuttles to campus, students will often find it quicker and more convenient to drive themselves to campus, especially if they have to travel to another place off campus after classes. Between classes students will often "run home" to get lunch or study for a few hours.

If we estimate that each student makes an average of two trips out per day, that means that 2600 more cars will be travelling on North East Street or Pine Street to get to town each day or night. We are a family with seven small children, ranging in age from newborn to fourteen years old, and our house is located at the beginning of the curve on North East Street. It is already somewhat dangerous for us to exit our driveway, but with that many more students driving on the road, we are terrified of the time when the children will learn to drive and try to pull out of the driveway onto a road frequented by students, many of whom will learn quickly that the straightaway of North East Street proves an easy place for speeding.

In addition, North East Street has a rural feel to it. We can sleep at night with the windows open without being disturbed by traffic. However, if 650 students live up the street, party weekends will quickly become a nightmare with so many cars passing by the house in the middle of the night.

Please do not let such a sizeable student housing complex be built in the beautiful, rural, farming area of Cushman Village. Amherst has a history of protecting its charm; let us not stop doing that now.

Sincerely,

Klaus and Christina Nuesslein





RECEIVED JUL 22 2014

Dear Members of the Planning Board,

I am going to discuss how a year long process of dismissal, silence , and misinformation might be interfering with your ability to see the proposed Retreat for what it actually is; **illegal, a masquerade, a project antithetical to Amherst's Master Plan; a special interest driven, terrible idea with disastrous consequences for the entire town.**

How can a proposed project with no, as yet proven, factual numbers to substantiate the claim that it will generate cash for the town, or its claim that it will actually alleviate, to any substantial degree, Amherst's diverse housing needs, and so many articulately clear and vocal opponents, (please see [www.savehistoriccushman.com](http://www.savehistoriccushman.com) ), continue to be portrayed on Amherst's public agenda as not only a viable option but an inevitable one?

How can Amherst be at this point in the review process with no one on the Select Board, ( aside from the recently elected Andrew Steinberg), or the Planning Board and no one in town government willing to say, openly, that this project, on the whole, is a bad idea with disastrous consequences for the town's long-term quality of life, when an entire section of the town (Cushman and all of it's surrounding communities), and over 700 informed, town wide, petition supporters have been alerting them, for almost one year, to a very long list of reasons to reject it?

How can our local Amherst Bulletin, which has given a needed and appreciated voice to those in opposition to the project, write an editorial on December 12, 2013 downplaying the intensity and breadth of the opposition at the preliminary Planning Board meeting; fail to mention that not one Amherst citizen publicly rose to support the Retreat; miss an opportunity to inform the public about the zoning issues in question by stating that zoning for a cluster development was allowed by right, while failing to mention Amherst's Zoning Bylaw 3.236 which prohibits the building of collegiate housing in an area zoned R-O, one of the main points of the opposition? ( See Jack Hirsch's article: Amherst should uphold zoning bylaw, February 14, 2014); write an article in the Bulletin on March 12, 2014 with a misleading headline strongly suggesting that the land court law suit against the Retreat might be dismissed for lack of merit, ( the defendant's position ), following a routine procedural postponement of a scheduled hearing which the plaintiff's attorney could not attend?

How can a subsequent editorial in the Bulletin discuss such a controversial housing issue without even mentioning the call for the University, the Town, and the State Legislature to jointly address any and all steps that would be needed to allow additional student housing on campus or in the R-F districts near the

campus?

How can the town manager and select board initially ignore a request for a review of the town's interpretation of its own Zoning Bylaw 3.236 when asked to do so by concerned residents who, having performed their own due diligence, believe that the town is ignoring its own rules? Why is that review, finally submitted, still not rendered?

To answer these questions coherently requires that one not focus upon each question separately or concretely but look broadly for the red thread that binds them together. Thankfully, Michael Dover has already done that work with his article: NIMBY: Self interest or the canary in the coal mine?, ([www.mobile.gazettenet.com](http://www.mobile.gazettenet.com), first printed on Saturday, December 21, 2013.)

In his article Mr. Dover explains how proponents of a project may use silence or diversion to "dismiss the litany of objections without addressing them". These dismissals and evasions, overtly and covertly, foster the idea that their opponents objections are "selfish rather than legitimate", and "local" rather than an accurate reflection worthy of town wide concern.

This dismissive approach gives those who support the project, (you may substitute Retreat ) a way to avoid the personal spotlight and also a way to avoid the need to present arguments based upon data, analysis and facts.

Avoiding such a public discussion diminishes the information that is made available to the larger base of Amherst citizens who, appropriately preoccupied with their own complicated lives, do not feel immediately threatened by any close proximity to the project.

Now that Landmark has submitted a definitive plan for development, it is time for the planning board and the entire town to actively and consciously focus on the debate and to realize that those opposed to the Retreat, as Mr. Dover suggests, are indeed, "canaries in the coal mine". Though it is true that we are locally concerned about our own air, it is also true that we are concerned with the vitality and viability of the entire town.

If the Retreat, ***a huge , rent by the room, collegiate apartment complex, attempting to disguise itself as a standard cluster development***, is allowed to be built in Cushman, in an R-O zoned district, (a zoning classification that prohibits fraternity, sorority or similar use housing, apartment complexes and rooming houses), in a manner totally incompatible with Amherst's Master Plan, the historic and beautiful Cushman village, with it's watershed and essential



wildlife corridors, will be utterly destroyed; there will be no Amherst community, with a five acre lot, that will be safe from any similar, special interest, predation; and town government, having ignored or abandoned the laws and principles it has pledged to uphold, will lose any shred of the credibility that it currently professes to own.

Respectfully,

Ira S Addes  
192 Shutesbury Road  
Amherst, MA 01002

413-253-9832

Sent from my iPhone



RECEIVED JUL 22 2014

July 21, 2014

To the Planning Board:

Our story is not unusual. My wife and I moved to Amherst in 1979 when she became a graduate student and I started doing research in the Polymer Science Department at UMass. We found a single family rental on Fairfield St, just north of the University, among older, long-time residents. Although we were the new residents in the neighborhood, we were welcomed, became friends – and realized what a wonderful place Amherst is.

During this time we observed Amherst property values rising rapidly, far outstripping salaries or cost of living. We felt compelled to invest in a home before it became beyond our financial reach, and after looking in many neighborhoods, found a building lot that seemed perfect although it took all of our resources to purchase. It was on Flat Hills Rd., in an R-O zoned area, so we felt assured that our investment was wise and safe. This was a carefully made decision based on the density and character of the neighborhood, how and where we hoped to raise our future family, and that we believed it an economically good investment. We felt reassured and protected by the zoning bylaw. Shortly after purchasing it in 1985, Amherst, confronted with an unprecedented construction boom and rapidly rising real estate prices, passed a moratorium limiting building permits. The value of our newly purchased building lot tripled, but rather than sell to a developer for a large profit, we were committed to the neighborhood and building a home for our new family.

We were well aware of the Chapter 61 timber land that we abutted, but assumed, since it was in the same R-O zoning, that our neighborhood would expand into that land by adding some number of single family homes.

We were shocked on February 22, 2013 when we received a notice to abutters announcing Landmark's proposal to construct a by-right subdivision development. It consisted of approximately 170 cottage-style upscale student 'cottages', each with up to four bedrooms for about 700 students. How was this possible? Who was protecting my R-O zoning rights?

Since then I have learned that Amherst has a history of attempting to separate collegiate housing from family residences. While dormitories have long been built on college and university land, Amherst's pressing zoning question in the mid-1900s was how to regulate fraternities (and later sororities). As far back as 1940, the Town of Amherst approved zoning bylaws that prohibited fraternities and sororities from what we would now consider R-O Districts, although fraternities and sororities were allowed in "General Residence" areas, closer to town and the university. But as the university began to expand – and looked ahead to very rapid expansion in the 1960s – town



officials and residents grew increasingly concerned about the presence of these large, private student houses in the midst of residential neighborhoods. Beginning in 1962, the Town created even stricter bylaws, prohibiting fraternities, sororities, social dormitories, and similar uses from all residential areas except what was then termed the "Campus Residence" (CR) District near the University of Massachusetts, where such building could happen under the Planning Board's approval. In 1969, Town Meeting amended the zoning bylaws to create the new "Residential Fraternity" (R-F) District near the University of Massachusetts and the CR District was later abolished. The R-F District remains the only residential district in Amherst in which specifically student housing is allowed to be built. **We ask that you, members of the Planning Board, reassert the intent of this history of Amherst zoning and reject the Retreat proposal.**

Now we have seen the plans, and Landmark wants even higher density housing than the by-right development allows. The intent of our master plan emphasizes maintaining the character of a neighborhood. A cottage-style area of high density units will not maintain our character nor even blend in. Furthermore, it is hardly compatible with the land, requiring extensive excavation for the roads and building lots altering the appearance of the back-drop of Cushman Village forever. **We ask that you hold the Retreat at Amherst Definitive Subdivision proposal to the letter of the zoning requirements - no modifications nor variances - which will protect the neighborhood as much as possible.**

The Cushman area has undulating, narrow scenic roads with steep sections and limited sight lines due to both hills and curves. Many residents use them for walking, running, biking, and horseback riding, and adding 700+ plus automobiles threaten our life-style and safety. Unfortunately young inexperienced drivers tend to have accidents, and take risks, and wintry conditions magnify the dangers greatly. Landmark has asked for waivers in the road construction in the development which will cause them to be far less safe than Amherst typically requires. The steeper grades create a winter driving hazard which will predictably cause inexperienced drivers to have accidents. Cutting corners like this sacrifice the safety of residents especially and should never be considered! Additionally, the fact that Landmark has requested this basic safety waiver causes one to wonder about their commitment to residents. **We ask that you do not allow these variances which threaten the safety of both Cushman residents and Retreat residents!**

Landmark's Traffic Impact Study suggest there will be negligible effect of the collegiate resident's 641 automobiles, but this is in comparison to the published AASHTO Standards which are relative to the maximum number of cars a road can handle. Amherst is a peaceful rural town, and this is R-O zoning, so we are a long way from the maximum number of vehicles, it's true. However, a much fairer and better comparison

is to the amount of automobile traffic that exists now, and calculate how that increase will affect the neighborhood. **We ask that you require them to redo the study to provide that analysis.** That is the true effect of their project on current residents, and must be considered. Furthermore, their study excluded Mondays, Fridays and weekend assessments, when the Retreat collegiate residents will make many trips to the malls, Northampton or Springfield for entertainment (remember there will be a casino nearby), or to Boston or New York. The frequency of such trips may be debatable, but there can be no doubt they will occur! **We ask that you minimize the effect of this huge development by reducing the number units and parking places, thus keeping it more in the character of the R-O district.**

Part of the choice we made in purchasing our lot was due to our love of the outdoors and nature. We were frequent hikers and always appreciated the fact that we could use the trails on Cowls timberland, and especially enjoyed the frequent but surprising visits from various animals and birds. This provided both entertainment and education as we are visited by bears, foxes, raccoons and deer regularly and countless songbirds. We typically sit in our yard each evening and listen to the birds and feel a peace and relaxation hardly interrupted by man-made sounds. The Retreat will end this aspect of our lifestyle. **We ask that you insist on large connected animal corridors which are exempt for any construction to conserve the natural habitat in the area.**

It is claimed that the Retreat will alleviate the student housing crunch in residential neighborhoods bordering the campus - WHAT ABOUT OUR RESIDENTIAL NEIGHBORHOOD? Is it fair or effective to sacrifice one neighborhood for another? Will not the areas closer to UMass always be more desirable for collegiate renters than those more distant? This argument is a sham!

It has been stated that this development can be repurposed so it helps meet the true needs of Amherst residents. The proposal submitted seems to make this highly unlikely – it is expensively amenitized, with each bedroom having its own bathroom, granite counters in the kitchens, the living spaces small, as is the kitchen. There are no family-oriented play areas, and biking would be discouraged by the steep, curving roadways. High retaining walls present dangers for children. Should Landmark sell this property or go bankrupt, Amherst will be saddled with a very poorly integrated development that may be impossible to utilize.

Thank you for your consideration.

Jack and Amy Hirsch

400 Flat Hills Rd.

1. The first part of the paper is devoted to a general discussion of the problem of the existence of a solution of the system of equations

$$\frac{dx}{dt} = A(x)u, \quad x(0) = x_0, \quad u \in U,$$

where  $A(x)$  is a matrix-valued function,  $u$  is a control function, and  $U$  is a set of admissible controls.

2. In the second part, we consider the case of a linear system of equations

$$\frac{dx}{dt} = Ax + Bu, \quad x(0) = x_0, \quad u \in U,$$

where  $A$  and  $B$  are constant matrices, and  $U$  is a set of admissible controls.

3. In the third part, we consider the case of a nonlinear system of equations

$$\frac{dx}{dt} = f(x) + g(x)u, \quad x(0) = x_0, \quad u \in U,$$

where  $f(x)$  and  $g(x)$  are vector-valued functions, and  $U$  is a set of admissible controls.

4. In the fourth part, we consider the case of a system of equations with a delay

$$\frac{dx}{dt} = A(x)u, \quad x(t) = \varphi(t), \quad t \in [-\tau, 0], \quad u \in U,$$

where  $A(x)$  is a matrix-valued function,  $\varphi(t)$  is a given function, and  $U$  is a set of admissible controls.

5. In the fifth part, we consider the case of a system of equations with a control constraint

$$\frac{dx}{dt} = A(x)u, \quad x(0) = x_0, \quad u \in U, \quad |u| \leq 1,$$

where  $A(x)$  is a matrix-valued function,  $u$  is a control function, and  $U$  is a set of admissible controls.

6. In the sixth part, we consider the case of a system of equations with a control constraint

$$\frac{dx}{dt} = A(x)u, \quad x(0) = x_0, \quad u \in U, \quad |u| \leq 1,$$

where  $A(x)$  is a matrix-valued function,  $u$  is a control function, and  $U$  is a set of admissible controls.

7. In the seventh part, we consider the case of a system of equations with a control constraint

$$\frac{dx}{dt} = A(x)u, \quad x(0) = x_0, \quad u \in U, \quad |u| \leq 1,$$

where  $A(x)$  is a matrix-valued function,  $u$  is a control function, and  $U$  is a set of admissible controls.

8. In the eighth part, we consider the case of a system of equations with a control constraint

$$\frac{dx}{dt} = A(x)u, \quad x(0) = x_0, \quad u \in U, \quad |u| \leq 1,$$

where  $A(x)$  is a matrix-valued function,  $u$  is a control function, and  $U$  is a set of admissible controls.

9. In the ninth part, we consider the case of a system of equations with a control constraint

$$\frac{dx}{dt} = A(x)u, \quad x(0) = x_0, \quad u \in U, \quad |u| \leq 1,$$

where  $A(x)$  is a matrix-valued function,  $u$  is a control function, and  $U$  is a set of admissible controls.

10. In the tenth part, we consider the case of a system of equations with a control constraint

$$\frac{dx}{dt} = A(x)u, \quad x(0) = x_0, \quad u \in U, \quad |u| \leq 1,$$

where  $A(x)$  is a matrix-valued function,  $u$  is a control function, and  $U$  is a set of admissible controls.

11. In the eleventh part, we consider the case of a system of equations with a control constraint

$$\frac{dx}{dt} = A(x)u, \quad x(0) = x_0, \quad u \in U, \quad |u| \leq 1,$$

where  $A(x)$  is a matrix-valued function,  $u$  is a control function, and  $U$  is a set of admissible controls.

12. In the twelfth part, we consider the case of a system of equations with a control constraint

$$\frac{dx}{dt} = A(x)u, \quad x(0) = x_0, \quad u \in U, \quad |u| \leq 1,$$

where  $A(x)$  is a matrix-valued function,  $u$  is a control function, and  $U$  is a set of admissible controls.



RECEIVED JUL 22 2014

## Why The Retreat?

What is the problem with saying "No" to Landmark's proposal to build a *high density residential facility associated with UMass* on property zoned RO intended as a low-density residential transition to RN in a small village neighborhood? Where is the *balance in competing interests articulated in the Master Plan*? How are the general welfare and safety of the inhabitants of Cushman promoted in *compliance with the Zoning Bylaw*? Already too much time, money, energy and emotion have been spent on this inappropriate project from an out of State developer.

*Is there an elephant in the room that needs recognition?*

Why is UMass not involved in the permitting process? It is their students who will be housed at the Retreat and yet there is 'no comment' from the source of the ever-increasing student population that is eating away the fabric of this small historic/agricultural town while fueling unhealthy development. UMass does not need Amherst to survive but it appears that Amherst is presently in a position of unhealthy dependency on UMass.

What role could UMass play in resolving this debilitating conflict of interests? Declare their intention of housing more students on campus and limiting cars? Actively participate in balancing the competing interests of UMass and neighborhoods? Work with Landmark to find a compromise that could involve providing a smaller more appropriate site, (Olympia Drive seems ideal given the Olympia Place development there?), for a student housing development through a PPP?

This last action is not only possible but is supported by our State Representative, Stan Rosenberg.

It could give Landmark an 'out' for their investment in a project that is going to be nothing but trouble in construction, as already demonstrated by their violation of the wetlands by engineers who "do not normally do their work in those conditions".

It could relieve the Town of the known detrimental forces of housing large groupings of students in neighborhoods and the associated financial and social costs.

It could allow the land-owner to pursue a much smaller cluster development of much needed family/workforce/affordable housing, more compatible with the neighborhood, to take place along Henry Ave.

It could allow the majority of the natural environment to remain for the future benefit of wildlife habitat and human recreation.

There are many questions but the Planning Board's, Select Board's and Manager's responsibility to serve the taxpaying residents of Amherst by upholding the Bylaw is not in question.

Melissa Perot



RECEIVED JUL 22 2014

**From:** Janet Slocum [mailto:jslobvan@hotmail.com]  
**Sent:** Monday, July 21, 2014 1:50 PM  
**To:** Brestrup, Christine  
**Subject:** Issues with the Retreat Definitive Subdivision Plan

July 21, 2014

Dear Ms. Brestrup,

I am an abutter to the proposed Retreat subdivision and believe that the Retreat is an illegal use of the land under the current zoning because it falls in the category of fraternity, sorority or similar social clubs. While waiting for town officials or state courts to come to that determination, I reviewed the definitive subdivision plans. Although I am certainly not an expert in zoning regulations, I did try to make a list of problems that I noticed in the plans. I am not sure if some of these points are violations or not but am passing them along for your expert eyes. I have also included a list titled odd things which I do not believe are zoning violations but are issues of concern with the plan. I do not think that any waivers be given to this subdivision. They are pushing every dimension to the maximum allowable without regard for the lay of the land or the aesthetics of division. Please hold up our zoning regulations.

Thank you for your help.

Sincerely,  
Janet Slocum  
58 Henry Street

Yield Plan –

- The new wetlands delineated by Landmark are not on the yield plan and the wetlands have not been agreed to by the Conservation Commission so the yield plan is really meaningless at this point.
- Approximately half of the lots on the yield plan do not have building circles on them so it is difficult to tell if they comply with the zoning regulations or not.
- Lots 1, 2, 61-70 are all within the power line easement and are likely not valid lots.
- Lots 41 and 117 do not have enough frontage.
- Lots 83 and 13 have considerable wetlands and are not likely buildable.
- Lot 16 is listed as 16 sq. ft. which does not meet the minimum lot size but this appears to be a typographical error.

Cluster Plan

- Lot 6 is missing a building circle.
- 4 lots have building circles that spill over onto the lot adjacent to them. These include lots 27, 2, 3, 99.
- 43 lots have frontage less than 100 ft. (cul-de-sacs lots are not included here). Lots 1, 2, 3, 4, 7, 13, 14, 16, 17, 19, 20, 21, 23, 24, 15, 78, 69, 63, 25, 60, 61, 54, 62, 27, 105, 104, 100, 99, 42, 47, 48, 52, 90, 91, 87, 80, 97, 85, 84, 83, 82, 81, 79.
- 4 lots adjacent to cul-de-sacs have less than the required 70 ft. of frontage. Lots 29, 30, 66 and 67.



- 24 lots have houses which appear to be outside the 100 ft. building circle. Lots 81, 53, 90, 89, 86, 85, 84, 83, 82, 11, 120, 19, 24, 114, 126, 12, 2, 107, 106, 43, 44, 80, 48, 31.
- Lot 124 – Amenity/Office - No rental offices are allowed in RO or RN Zones, No parking lots are allowed in RO zone, No pool/billiard halls, bowling alleys, movie theaters, or arcades allowed in RO or RN zoning. No cafes, cafeterias or lunch rooms are allowed in RN or RO zone.
- Lights, trees and retaining walls are within the power line easement. Roads and sidewalks also cross the easement.
- Numerous front and side set back changes are requested.
- 9 Lots 35, 44, 53, 54, 65, 66, 83, 84, 85 have catch basins. According to the zoning by laws: *No permanent structure shall be located within 100 feet of any pond or Surface Water Impoundment of flood retention area without a Special Permit from the Zoning Board of Appeals permitting such structure within 100 feet.* Many catch basins are within 100 ft. of houses. Does a catch basin constitute a surface water impoundment? The zoning board needs to consider this question.
- On-street overnight parking is not allowed in Amherst and the plan shows a significant number of on-street parking spaces.
- Duplexes must be owner occupied except under specially permitted circumstances. There are 71 duplexes.

#### Odd things

- Retaining walls running across the middle of backyards at times 20 ft. tall
- When the roads have houses only on one side, the sidewalk is on the opposite side of the road so pedestrians have to cross the road to use the side walk – safety issue?
- Sidewalks are often bordered by retaining walls with 10-20 ft. drops – safety issue?
- Retaining walls with over 10 foot drops edge parking areas on lot – safety issue?
- Amenity Lot within 500 ft. of the front door of the Cushman Preschool – health & safety issue?

**From:** Nancy Farber [mailto:nancy@cushmanscott.org]  
**Sent:** Monday, July 21, 2014 11:19 AM  
**To:** Brestrup, Christine  
**Subject:** Letter

RECEIVED JUL 22 2014

Planning Board

Amherst Town Hall

Amherst, MA 01002

Dear Planning Board:

As Director of the Cushman Scott Children's Center on 71 Henry Street North Amherst, I have serious concerns about the proposed Landmark Student Housing facility.

I do not understand how the project can proceed when it is not in compliance with the R-O zoning ordinance set up by the town. I am also confused about any discussion or progress as the case is currently in Land Court.

I also have serious concerns, if the project were to be built, about the blasting. The site is composed of ledge and the plans would require serious blasting. I fear the blasting would interfere with the nap times of our preschoolers, damage their ears, be consistently interrupting, annoying, and affect the air quality for their lungs. I also have concerns about the foundations for our school and the abutting buildings. Our school is eighty-seven years old. Many of the neighboring houses are older as well. There is also a concern about how the blasting would affect the water systems for the abutting houses. I have a concern about the continued blasting causing stress for the children. I fear that many parents will take their children out of our school causing serious financial hardship for Cushman Scott. Last year the Little Red School House at Amherst College was closed because there was to be a new Science building built in close proximity to the preschool and it was deemed unsafe for the little ones. The Town of Amherst has specified that our building always is to be used as a school. The Retreat may greatly interfere with this.

We have recently improved our playground. I am concerned about the possibilities of incorrect behavior, destruction and abuse of our playground by unsupervised visitors.

Another safety concern is the traffic. The local roads cannot support the additional traffic expected from a project of this size. An access road off of Henry Street would cause serious traffic problems. The road is not wide enough to allow a safe left hand turn into the development. In addition, with the proximity to the railroad crossing, there is the possibility that a freight train would stop all traffic on Henry Street and delay the drop off and pick up of our students. Due to this I fear that the parents may also withdraw their children from our program.

The potential student renters are younger and less experienced drivers who may make poor choices for safe driving which would affect the safety of the neighbors and our students. Many student renters may be from regions without experience driving in severe New England



weather. The planned grade of the road makes safe driving difficult for drivers and buses. If the buses cannot get into the facility, the students will use the bus stop directly across from our school. The idea of hundreds of students gathering across the street from the preschool, perhaps smoking, using inappropriate language, and making poor behavior choices might intimidate the preschoolers. This may also cause the parents to withdraw their children from our program.

The lack of caring for the safety of the local habitat of the salamanders is disturbing. There is additional wildlife on the proposed site that could be harmed if the development is built. There are also wetlands and intermittent streams that could be disturbed by building a project of this size.

I also have concerns for young college students without supervision. As a mother of four former college students, I would not send my children to a student facility without an R.A, drug counseling or rape crisis assistance. The students may feel omnipotent, far away from supervision and experiment by making poor choices. There is also a game called *Casey Jones* in which the students encourage others to consume alcohol and walk on the train tracks. Why put a facility right near a train crossing without gates?

The most recent plans indicate retaining walls of up to twenty-five feet. This is not a safe addition for students who may make poor choices.

This project is not suitable for the historic Cushman area. It does not conform to the style of the neighborhood as detailed in the Master Plan. It is not a safe choice for the proposed student residents. I fear it will have huge consequences for our school. There is a reason that this land has not been developed. A safe choice would be to leave the land as it is with the animal habitats and with the beauty of the land preserved.

Nancy Farber

Director

Cushman Scott Children's Center

71 Henry Street

North Amherst, MA. 01059-9656

Nancy Farber

Director

Cushman Scott Children's Center

*"Children, Families and Teachers Learning Together"*



RECEIVED JUL 22 2014

7/21/14

To: Amherst Planning Board

From: Ellen Pile

Re: Cows/Landmark Application to Build a Retreat

All of my remarks are focused on the land use issue, specifically on the question "What is a Retreat?" My comments include 2 pages on that question, followed by several pages of details and supporting materials. **My comments are about how Retreats are designed, marketed, leased and operated to create a unique type of residential use.**

I have heard that our Use Chart is where permitting begins, and the introduction to that Chart states: "It is intended that every possible use be included in some category, and a use that does not readily fall into any category listed shall be included in the one to which it is most similar." If you begin with this statement, I am suggesting to you that a Retreat does not readily fall into a category. It is unique.

Therefore, a key question for the Planning Board is: which use is it most similar to? I believe we can look at the pattern of use as well as the superficial physical structure Landmark is proposing. And, when we look at the pattern of use, I believe that a Retreat is not like a very large group of individual dwellings. A Retreat is conceived as a college living community; it is a similar use to dormitories, fraternities and sororities related to UMass.

I am also suggesting that a Retreat, as a product, has so many unique characteristics that differentiate it from a clustered residential subdivision, that **no conditions can transform it into a clustered residential subdivision.** Why is that so?

First we have a lot of information about what a Retreat is because it is a product, a residential brand, which Landmark Properties has built successfully 3 times in Athens GA to serve the University of Georgia and 13 times to serve other public universities. Landmark feels its product can also be successful in Amherst, and it wants to find a place for a Retreat here. Landmark looked at our zoning by-laws and looked at its Retreat product and thought they saw a match. Some, but not all, of the buildings in the 16 Retreats are house-like. Other buildings are, of course, apartments and townhouses. In other states a Retreat has been a Planned Urban Residential Development, multi-family housing, and mixed use. Landmark has built its Retreat residential brand by using a variety of physical forms. However, **the common denominator for a Retreat is not physical form; it is the pattern of use.**

Is Landmark right in thinking that in Amherst just constructing a building that is house-like makes it an automatic fit to our category: one family detached dwelling unit? I hope that is not how you see it.

So back to the original question: What is a Retreat and why is this Landmark product not just a larger version of any street in Amherst where a single landlord has converted 5 one family dwelling units into rentals that now house students? Can you just multiply that Amherst street 35 times and get a 175 unit Retreat? Not exactly. A Retreat is more than buildings.

One thing that has helped me toward clearer thinking is to stop calling a Retreat “student housing”. Here in Amherst those words cover too many structures. We have been described as an academic mill town where any residential use is likely to be predominantly occupied by students. “Student housing” is everything from the house next door to me to Olympia Place to Van Meter Residence Hall. And I don’t want any of my comments to be about the characteristics of the people who live at Retreats.

I found a useable descriptive phrase inside Landmark’s corporate structure. The fees for the subdivision application come from Landmark Collegiate Development LLC. Now that can be just semantics, but what if we ask **how is a Retreat “collegiate development” different from rental houses on any street in Amherst?**

You may find your own answers to that question, but my conclusions are that, typically, the “collegiate developments” of Landmark and its colleagues in the national industry:

1. Are purpose-built and designed to operate as a collegiate community
2. Are staffed by resident/community assistants providing support and programming for collegiate residential life
3. Match and also remove and replace individual roommates within a household thus involving the landlord in normal household decisions
4. Hold unrelated adult household members, who should be living cooperatively, harmless for each other’s rents thus raising questions about their familial/household status
5. Have leasing approaches that create obstacles for related adults seeking to lease a whole dwelling e.g. each bedroom must have an adult leasing it
6. Have special marketing to parents who are an important “customer”
7. Are related to a particular educational institution
8. Are not assessed or taxed as individual dwellings

It is this pattern of use for a purpose-built Retreat rather than the superficial form of its buildings that is important. The pattern of use is a group of buildings operated in many ways like an educational institution manages its own residences, operated for a collegiate residential life purpose. **A Retreat is conceived as a college living community; it is a similar use to dormitories, fraternities and sororities related to UMass.** As such it should not be permitted as a cluster subdivision in a Residential Outlying District.

In 4 subsequent pages I provide details that support my conclusions and then I have attached a large number of supporting materials.

**Purpose-Built Collegiate Communities.** From conception the Retreat brand was a collegiate community different from houses in Athens GA that large, independent groups of students could no longer rent. Athens had decreased its occupancy ordinance to no more than 2 unrelated adults in single family dwellings. Landmark CEO Wes Rogers says: “Our whole idea was to create a community for all of these college students who could no longer rent houses.” ([www.multifamilyexecutive.com](http://www.multifamilyexecutive.com), accessed 11/18/13) In announcing another partnership with Harrison Street Real Estate Capital Wes Rogers described a Retreat as “a differentiated high-end



student concept program that we have taken to numerous universities.”  
([www.multihousingnews.com](http://www.multihousingnews.com), accessed 2/9/14)

The physical form of a Retreat has changed over time. Beginning in 2011 Retreats included apartments and townhouses whenever allowed. However, a Retreat is still envisioned as a purpose-built community and not a collection of independent buildings. “Landmark Properties (still) develops many of the communities it manages which allows the firm the unique ability to ensure it delivers a community with the student in mind.” (<http://www.landmark-properties.com/> accessed 11/14/13)

The websites of the six Retreats completed in 2012-2013 and which are now owned and/or operated in whole or part by Landmark, EdR, American Campus Communities, and Inland American Communities give **no hint that anyone who is not enrolled at a local educational institution has a place in a Retreat community.**

- A Retreat is: College living (San Marcos) A student community (San Marcos) The college experience of a lifetime (Oxford) The ultimate in student living (Tucson)
- Retreats have been renamed: University House at The Retreat (Raleigh & Tallahassee)
- An on-line market for all residents is called “Our Campus Market” (State College)

See attached **Supporting Materials p. 8:**

- Screen shot (San Marcos home page)
- Screen shot (Tucson Facebook timeline)

**Staffed for a Collegiate Residential Life.** Unlike a collection of independent houses in an Amherst cluster subdivision, a Retreat provides substantial programming for its occupants. Key staff are Resident/Community Assistants who are enrolled in the colleges served by a Retreat. They parallel on-campus Resident Assistants, but often have additional responsibilities for creating a “buzz” for a Retreat including party events.

The current home page for a Retreat completed in 2012 to serve Texas State University promises: “Our professional on-site staff is dedicated to serving your needs and arranging both social and educational activities to help you meet other residents and enjoy your college experience.”

The amenities page of another Retreat completed in 2012 to serve Florida State University provides a link called “social life insurance”. This describes the role of “mavericks” at University House Retreat in Tallahassee: “students who live and work in each University House community. They are the go-to people; there each day to make life better for you.”

See attached **Supporting Materials pp. 9-15:**

- Community Assistant Job Description (Retreat at Oxford serving University of Mississippi) which requires a Community Assistant to be an enrolled student maintaining a 2.5 GPA.
- Invitation to join a winning team of 8 Community Assistants at Retreat at State College serving the University of Pennsylvania.



- Facebook posting (Retreat at Oxford serving University of Mississippi) recruiting Community Assistants: "Last night's party was part of my job."
- Sample listings of Retreat sponsored events from Facebook

**Roommates in a Collegiate Community: Management's Role.** The occupants of a dwelling are not always treated as a unit. A sample lease for a Retreat (State College completed 2013) allows management to place a new resident in an unoccupied bedroom. Clause 6 gives management the right to relocate a tenant from their bedroom in one unit to another unit for "operating efficiency". And management can declare a resident in default of the lease based "your inability or refusal to adjust to the concept and requirements of living in a multi-resident apartment environment as evidenced by repeated complaints about you made by the other residents or the staff of the community."  
<http://www.edrpo.com/edrAssets/propsP/316/documents/sampleLeaseAgreement.pdf>, Accessed 7/9/14)

Among the FAQ's for housing applicants at a Retreat in Oxford completed in 2013 is: Can I request a cottage or roommates? The answer is you can but we will not promise. Essentially you are applying for a room assignment. "Living with your friends is also a bonus while you are in school, and we are always willing to do the best we can to place you together! If you don't have any roommates in mind, we offer a great roommate placement program that helps take the guess work out of finding great people to live with for the next year!"  
[www.retreatatoxford.com/index.php/prop/property\\_faq](http://www.retreatatoxford.com/index.php/prop/property_faq), accessed 7/16/14)

A Retreat in Tallahassee completed in 2012 provides online Rental Application, Roommate Matching, Guaranty Agreement, and Guarantor Application forms. The Rental Application is for a single individual and never mentions roommates.

See attached **Supporting Materials p. 16:**

- Roommate Matching form (Tallahassee) whose instructions include: "Please provide us with as much information as possible so we can make the best selection".

**No Household Pays Rent Together in a Collegiate Community.** A Retreat does not hold any household of unrelated adults responsible for the rent on a dwelling unit. This is an unusual practice for Amherst where a household of unrelated adults must be living cooperatively to comply with our zoning by-laws. According to Thea Costine, Off Campus Student Services Manager at UMass: "None of the (apartment) complexes rent by the bedroom. All have 12 month leases that hold all tenants jointly and severally liable. One tenant leaves, the others are accountable." (Email 7/14/14)

The lack of household accountability is the most practical amenity within a collegiate community. The parents of residents can guarantee their child's rent without being at risk for the mishaps that might befall their child's roommates or roommates' families.

See attached **Supporting Materials pp. 17-19:**

- Retreat (San Marcos) website explanation for parents.

**Leasing Obstacles for Related Adults and Families.** How can a Retreat be composed of one family dwelling units if a traditional family has unusual difficulty leasing a unit? Let's take a sample family of grandparents, parents and an 18 year old grandson. The grandmother wants to lease a 4 bedroom unit in one of the 29 Stafford duplexes for her family. Would 4 of the 5 adults need to sign 4 leases, one for each bedroom in the Stafford? Could 5 related adults even live in large Stafford unit, or is its capacity 4 adults?

It is my current understanding that with 641 bedrooms proposed, Landmark is required by its partners and its own policies to secure 641 leases. Could 5% of the 4 bedroom units, that means 8 units, be rented by families/households seeking an ordinary leasing process i.e. 8 families mean 8 leases? The whole project would then be fully leased but 32 of the bedrooms would be included in 8 leases, not 32 leases. The total number of leases would be 517. Perhaps I am mistaken, but I believe this would be difficult in a Retreat collegiate development

And, as mentioned previously, Retreat websites give no hint that anyone who is not enrolled at an educational institution has a place in a Retreat community.

## **Parents Are Important Decision Makers and Customers.**

See attached **Supporting Materials p. 20:**

- Retreat (Tucson) website introduction for parents.

## **Retreats and Their Associated Educational Institutions.**

Landmark's property and land criteria include "raw and developable land within 3 miles of a college or University whose total enrollment exceeds 10,000 students". (<http://www.landmark-properties.com/> accessed 11/14/13) In our zoning by-laws Article 2.01 describes the purpose of R-F Districts "areas dedicated to...residential facilities associated with educational institutions." We have only one residential use "related to Amherst College, Hampshire College, or the University of Massachusetts". That use is a fraternity/sorority/dormitory or "similar use" which does not need to be owned by these institutions. The use needs to be in some relationship to them.

Each Retreat serves at least one educational institution named in its marketing, website or press materials. One example is Landmark's Feb. 6, 2012 press release for a new Retreat stated, "This project will be purpose-built to serve the students of The University of Arizona." (<http://www.landmark-properties.com> accessed 11/14/13)

See attached **Supporting Materials pp. 21-22:**

- Screenshot of a Landmark presentation showing each Retreat and the named educational institution each serves.



**Dept. of Revenue and Other Land Use Questions.** It defies common sense that Landmark can ask for a zoning land use for single family dwellings but agree to be classified differently elsewhere. In more than one meeting with our Principal Assessor my neighbors have been told that Landmark's property will be assigned a land use as an apartment complex and will be assessed and taxed as such. And Landmark's own Traffic Impact Study looks at 3 ways to calculate trip generation. None of these uses the simple approach of calling a Retreat 175 units of single family dwellings and calculating trip generation based on the ITE land use code 210 "single family detached dwellings". Would that generate more trips than the apartment and condo land uses portrayed? Are the ITE assumptions for bedrooms, cars, and parking even for "single family detached dwellings" an underestimate for a collegiate development?

**Conclusion.** Amherst is making an important land use decision. If this pattern of use can be permitted on Henry St., then other house-like collegiate developments built by Landmark or EdR or American Campus Communities can occur on any parcel zoned R-LD, R-O, R-N, R-VC or R-G. Landmark executives are sometimes quoted as needing as little as 20 acres for this product. Collegiate developments require rezoning unless they are in our current R-F districts. Cowls/Landmark should be seeking rezoning if they want to continue this project.



# SUPPORTING MATERIALS

# Purpose-Built Collegiate Communities

The screenshot shows the homepage of the website <http://retreatsanmarcos.com/>. The browser window displays the URL and a navigation bar with links like "Home - Student Housing". The main content area features a large banner with the text "GIFT CARD + SAVE \$250 WITH ZERO DOWN". Below this, the heading "The Retreat Student Housing" is followed by the tagline "Your Home Away From Home!". The text describes the community as a place where students can live like they mean it, offering privacy and lifestyle. It lists amenities such as a fitness center, recreation room, resort-style pool, and more. A sidebar on the right contains a "TAKE A TOUR DURING JULY & BE ENTERED TO WIN A PAIR OF FLOAT FEST TICKETS" promotion and a "CLICK HERE TO EXPERIENCE THE RETREAT LIFESTYLE" link. The Windows taskbar at the bottom shows the date as 7/12/2014.

Source: <http://retreatsanmarcos.com/> Accessed: 7/12/14

The screenshot shows the Facebook page for "The Retreat at Tucson". The page header includes the name "The Retreat at Tucson" and a "Create Page" button. The main content area features a large image of a poolside scene with the text "THE RETREAT" and "The Retreat at Tucson Company". Below this, a "Timeline" section shows a post from "The Retreat at Tucson" dated 11 hours ago, announcing a \$250 gift card to the first 50 leases signed. The post also includes a photo of a poolside scene with the text "WE SPEAK GREEK!". The left sidebar shows the page's profile picture, a 3.729 star rating, and 52 visits. The "ABOUT" section describes the community as "The Retreat at Tucson is the University of Arizona's PREMIER CRAFTSMAN-STYLE COTTAGE LIVING." and provides the website URL <http://www.retreattucson.com/>. The Windows taskbar at the bottom shows the date as 7/17/2014.

Source: <https://www.facebook.com/RetreatTucson/timeline> Accessed 7/17/14



# Staffed for a Collegiate Residential Life

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Source: <http://www.edrpo.com/edrAssets/documents/CAPositionDescriptionAndCoreValues.pdf>

Accessed 7/9/14 from The Retreat at Oxford website (Retreat serves University of Mississippi)

## Community Assistant

### Core Values & Responsibilities

#### JOB SUMMARY

The Community Assistant is a student member of the staff who works closely with property residents. As a staff member, he/she will work to build community, maintain communications between management and residents, and assist in a multitude of administrative tasks. The Community Assistant is responsible for the development of a residential community that enhances the total collegiate experience. These goals may only be accomplished through CA availability in their building(s) and around the community. The majority of the Community Assistant's responsibilities involve direct contact with residents. One of the most important CA responsibilities is to be available to all residents living in the community as needed. Basic responsibilities include maintaining communication between Management and the residents, as well as supporting policies, procedures and regulations.

The roles Community Assistants play fall into several broad categories. The CA serves as a catalyst to enable the residents to create and maintain a community environment. One of the most rewarding aspects of the job is the opportunity to meet and interact with different types of people and encounter new ideas. It is the expectation of all CAs to get to know their residents.

#### CORE VALUES

##### **Know and Care For Residents**

Knowing residents is critical to Community Assistant success. Promoting ongoing interaction and cooperation is essential to resident satisfaction. Community Assistants will be act as a resource and referral agent for all residents.

##### **Build Community**

The total value of a college education can only be realized when a resident involves him/herself in many aspects of the collegial experience (e.g. leadership activities, volunteering, student government). Community Assistants raise resident's level of awareness of what is available to them at the community and how to participate. Community Assistants will maintain a high profile on the property and be approachable and receptive. CAs create enthusiasm and interest in community events.

##### **Share Knowledge**

Community Assistants are knowledgeable about community policies and University resources. Community Assistants play a vital role in directing residents to the appropriate community staff members. Community Assistants provide accurate information about the community to residents. Community Assistants are informed and familiar with important services on campus. *Page 2 Updated May 2012*

##### **Promote Learning**

Community Assistants foster personal responsibility through supporting community policies. Resident learning is enhanced through the staff's programming efforts, CAs interaction with residents, and by supporting personal accountability.

##### **Role Model**

Community Assistants are held to high standards of academic achievement and behavior and as a result are considered community leaders and set the example for conduct and attitude. CAs will observe all community and University policies, rules, and regulations. .

##### **Embrace Diversity**

An important aspect of promoting learning is demonstrating an appreciation for cultural differences and opposing intolerance and bigotry concerning these differences. Community Assistants are committed to assuring fairness for all residents within the community *Page 3 Updated May 2012*

#### RESPONSIBILITIES



### **Terms of Employment**

All Community Assistant appointments are made for the term (semester, quarter, summer) and contingent upon satisfactory performance and compliance with all policies and procedures. CAs who are graduating or leaving the institution may remain in their position for up to 30 days after the end of the term or graduation. Community Assistants are required to have a signed lease and guarantor form on file. Compensation includes a no cost bedroom and biweekly pay should the CA exceed the minimum number of required work hours.

### **Availability**

During the first two weeks of the lease term, CAs are required to be available to assist new residents and assist in policy enforcement. First impressions are important. CAs should make the first contact with each student a positive one. Community Assistants should make an effort to interact with residents on a regular basis. Community Assistants are charged with establishing rapport and respect with and among residents. CAs are responsible for knowing their residents.

### **Communication**

Open and frequent communication is necessary for successful community operations. The Community Manager and designated supervisor encourage all CAs to regularly visit the CM's or designated supervisor's office. All administrative tasks that are vital to staff communications (e.g. weekly reports, On-Call reports, Incident Reports, etc.) must be completed on time and reviewed with the designated supervisor.

Community Assistants must also maintain communication with residents by posting signs, distributing correspondence and updating social media.

Community Assistants are expected to check their staff mailboxes on a regular basis. In addition, CAs should respond to messages promptly and deliver messages to residents as needed. Community Assistants are also responsible for distributing and collecting completed forms, surveys, announcements, etc. to all residents as needed.

CAs who maintain an online profile on social networking websites must do so in a way that does not disparage or criticize the Company, the property, or other staff members/residents.

### **Community Development**

A community refers to a group of people sharing a common purpose, who are interdependent on one another for the fulfillment of certain needs. A community is comprised of students who live in close proximity and interact on a regular basis, who share in defining expectations for all members of the group and assume responsibility for meeting those expectations. CAs play a very important role in determining residents' sense of community. Effective community development activities enhance resident satisfaction, preserve and increase occupancy, and decrease property damage.

### **Grade Policy and Enrollment**

Community Assistants should be able to maintain a proper balance between their academic requirements, job responsibilities and personal relationships. Community Assistants are required to maintain a cumulative GPA of at least 2.5.

CAs must be enrolled at least part-time as an undergraduate or graduate student in an accredited area college or university. At least 75% of the enrolled credit hours must be on campus and not online courses. Any online courses must be taken at a local university and be a credit-bearing course. The definition of part-time student status varies from university to university. Management Page 4 Updated May 2012 should contact the Office of Enrollment Management or Registrar's Office for full and part-time student status requirements. Enrollment status should be verified prior to offering employment.

Community Assistants are required to provide transcripts to the CM at the end of each term to verify enrollment and GPA.

### **Leasing & Customer Service**

All Community Assistants share responsibility for marketing the property. CAs are expected to be properly dressed and represent the property sales efforts. During the assigned shifts, all CAs must be present in the leasing office at all times and limit personal visits and/or telephone calls. No one is permitted in staff-only areas except other staff members. Community Assistants are responsible for representing themselves in a professional manner at all times while employed whether on or off the property.

### **Leave Requests and Vacations**

If a Community Assistant is planning to be away from the community for an extended period of time, he/she must fill out a leave request and submit the completed form to the Community Manager in



advance of departure. Community Assistants are required to be at the community during all check-in and check-out periods and maintain coverage during summer and university break times.

### **Maintenance**

Community Assistants are expected to take pride in their residents and the community. Community Assistants are required to check all units before move-in for any maintenance problems and verify that all keys work in the assigned locks. Community Assistants are responsible for preventing damage to property and for reporting all damages to the CM or designated supervisor. Community Assistants should assist in keeping the community neat and clean at all times. Community Assistants should help maintain the appearance of their area by removing old flyers, signs, staples, trash, etc. from the public areas.

### **Office Shifts**

Community Assistants are responsible for working assigned office shifts. During the scheduled office shift, CAs may be asked to perform various office duties including filing, organizing and special projects. During office shifts Community Assistants are required to:

Remain in the office at all times unless a task and/or request requires them to be elsewhere in the community (e.g. unit tour, lock-out, on campus, etc.).

Answer the telephone and take messages.

Give tours and execute leases.

Be substance free.

Communicate with professional staff as needed.

Answer residents' and visitors' questions.

Manage maintenance requests.

Secure the office areas.

Various administrative duties

### **On-Call Shifts**

The Community Manager or designated supervisor will schedule On-Call shifts. At least one, or two depending on bed count, CAs are scheduled to be on-call each night after the office closes. On-Call Community Assistants are required to:

Remain at the community and carry the on-call cell phone.

Be on time and available during the entire shift.

Respond to any problems that may arise during non-office hours and contact the appropriate professional staff. Examples of these problems include cleaning

*Page 5 Updated May 2012*

unsafe/unsanitary conditions or materials, correcting floods, backing up fellow staff members in confrontational situations, letting locked-out residents into their units, coordinating emergency response, etc.

Be substance free.

Find coverage from other CAs if they must leave the property due to an emergency or other CA related issue.

Community Assistants may need to adjust their schedule to accommodate on-call responsibilities. On-call can become a positive time for CAs to be visible and meet other residents.

Senior Community Assistants may need to adjust their schedule to accommodate on-call responsibilities.

On-Call can become a positive time for the SCA to be visible and meet other residents.

### **Policy Enforcement**

It is the Community Assistants' responsibility to address violations that cross their path through regular exercise of their duties. Policy enforcement is essential for maintaining a reputable and pleasant place to live.

An effective and skilled CA will be able to consistently enforce policy, while maintaining the respect of their residents. All Community Assistants should know all policies and procedures for addressing and documenting policy violations and all inappropriate behavior. CAs should also know the procedure for enlisting the assistance of professional staff members in situations involving safety and/or security concerns.

### **Quarterly Inspections**

Community Assistants must complete unit inspections for every unit in their assigned area. Unit checks must also be completed before and after any resident checks in or out.

#### **Reports**

Community Assistants may be required to submit a weekly report as required. Reports may include residents' suggestions for community improvements, complaints and concerns, as well as observations of Housekeeping, Maintenance, the Office, etc.

#### **Staff Meetings**

All Community Assistants must attend mandatory weekly staff meetings to discuss policies, share information and ideas and complete in-service training. The Community Manager, designated supervisor, and Senior Community Assistant (if applicable) will decide on the staff meeting times. Community Assistants should plan on at least an hour or more for each weekly staff meeting to discuss resident problems, review policies, update training, etc. In addition, periodic meetings of the entire CA staff will be conducted with various department heads. Since punctuality affects everyone, it is important that all CAs are on time and prepared for all meetings. Community Assistants are expected to promote staff unity and participate in all functions designed to promote harmony and teamwork among the staff.

#### **Supervision**

Community Assistants are under the direct supervision of the Community Manager (CM), and when applicable, additional guidance, support and representation from the Assistant Community Manager (ACM), Residence Life Coordinator (RLC), Resident Services Manager (RSM), Leasing and Marketing Manager (LMM), Leasing Professional (LP), Maintenance Manager (MM) and Senior Community Assistant (SCA). Performance will be evaluated during the term of employment. Community Assistants are expected to comply with all reasonable requests of their supervisor(s) and other management personnel. *Page 6 Updated May 2012*

#### **Time Commitments**

The CM or designated supervisor must be made aware of in advance other activities that require the CA's time away from the community. This includes outside employment, membership in campus clubs/organizations, etc. In the event that a CA fails to meet the CM or designated supervisor's expectations, the CA will be asked to make a choice between the CA job and other employment. CAs should be realistic about co-curricular activities and manage their time effectively. Community Assistants are only permitted to work no more than a maximum of 15 hours per week for outside employment.

#### **Training**

All CAs must attend mandatory orientation and training sessions. Training will cover information vital to the success of the CA program. Training includes the AD in Leasing degree, team-building activities, procedural training, conflict mediation, etc. CAs are required to attend all activities and to be on time for all scheduled events.

#### **Miscellaneous Responsibilities**

The Community Assistants may be called on to perform additional responsibilities as needed. Community Assistants are required to assist during emergencies such as power outages, storms, etc. As much advance warning as possible for these situations will be given, but CAs should be understanding and flexible during emergency situations. After proper training, CAs will be responsible for assisting professional staff in working uncovered office shifts, manual labor as necessary, emergency situations, and all other items as assigned and as needed.



Source: [http://www.retreatstatecollege.com/index.php/prop/join\\_team](http://www.retreatstatecollege.com/index.php/prop/join_team)

Accessed 7/9/14

NOTE: The website shows the names of 8 community assistants on its staff list.

## **JOIN OUR WINNING TEAM!**

Thank you for your interest in joining our team at The Retreat at State College. We offer students a truly unique paraprofessional experience through the Community Assistant position. If you are looking to be challenged, work close to home, and increase your transferable skills to any career path, then look no further than The Retreat at State College.

Joining our team is a great way to meet new people, make a difference in your community, and develop skills that will make your résumé stand out in the crowd. We offer exciting leadership opportunities in a fast-paced, high energy environment. If you are looking to learn while having fun and meeting new people, a position at The Retreat at State College is made for you!

We are looking for students with the drive to take on an active leadership role in their residential and campus community. Sound like something you're looking for?

- Do you possess the academic, organizational, and social skills necessary for balancing school and work roles successfully?
- Are you a high-energy individual?
- Are you that "go to" person your friends can always count on?

If you answered yes to these questions, then we want you!



**LIVE HERE. WORK HERE.**  
**NOW HIRING!**

**THE  
RETREAT**

**MY RENT IS A BUSINESS EXPENSE.  
LAST NIGHT'S PARTY WAS PART OF MY JOB.  
MOST WORK-RELATED CONFLICTS  
INVOLVE PIZZA TOPPINGS.**

**SOUND  
INTERESTING?**  
PLEASE COMPLETE AN  
APPLICATION BY VISITING  
**MYCAJOB.COM**  
ANY OTHER QUESTIONS, PLEASE VISIT THE FRONT OFFICE.

**ER ㊦**



## SAMPLE EVENT CALENDARS

Source: Facebook page for The Retreat at San Marcos serving Texas State University

<https://www.facebook.com/RetreatatSanMarcos/events>

Accessed: 7/12/14

### Past Events :

July 19	The Retreat Paint Palooza
Apr. 30	Dead Day BBQ Co-Hosted by Coca-Cola
Apr. 26	Retreat 1 <sup>st</sup> Annual Crawfish Boil
Apr. 14	1 <sup>st</sup> Annual Retreat Volleyball Tournament
Mar. 22	Retreat Longest Drive Contest
Mar. 20	Retreat Open House
Apr. 26	It's ALWAYS 5'oclock at The Retreat
Mar. 30	Retreat Cookout Friday
Mar. 7	Roommate Matching Mixer

Source: Facebook page for The Retreat at Tucson serving University of Arizona

<https://www.facebook.com/RetreatTucson/events>

Accessed 7/15/14

### Past Events:

Sept. 21	Retreat Pool Event
Feb. 20	Retreat Tucson Pub Crawl Official Information
Nov. 16	The Retreat Hosts Gentle Ben's Bar Event
Nov. 8	The Retreat Cookout



# Roommates in a Collegiate Community: Management's Role.

Source: <http://www.universityhouse.com/pdf/ROOMMATE.pdf> Accessed 7/17/14. This is The Retreat at Tallahassee completed in 2012.

## Personal Information

IMPORTANT: It is essential that the student personally fill out this form as completely and accurately as possible. This information will be used for roommate matching. Please provide us with as much information as possible so we can make the best selection. It is important to understand that we will make every effort to honor your requests, but cannot make any guarantees. University House is not responsible for false information provided by prospective roommates.

Name \_\_\_\_\_ Male \_\_\_\_\_ Female Age \_\_\_\_\_

Permanent Home

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_ At Permanent Address

Until \_\_\_\_\_

Permanent Telephone ( \_\_\_\_\_ ) \_\_\_\_\_ Cell Phone ( \_\_\_\_\_ ) \_\_\_\_\_

Email \_\_\_\_\_

College: \_\_\_\_\_

Major \_\_\_\_\_

Class Standing for the term applying \_\_\_\_\_ Fr. \_\_\_\_\_ So. \_\_\_\_\_ Jr. \_\_\_\_\_ Sr. \_\_\_\_\_ Grad. \_\_\_\_\_ Other

May we give your contact information to a prospective roommate? \_\_\_\_\_ Yes \_\_\_\_\_ No

## Assignment Information

Apartment type I am applying for

\_\_\_\_\_ Shared Bedroom \_\_\_\_\_ Private Bedroom \_\_\_\_\_ Coed Okay \_\_\_\_\_ Prefer Upper Classman Only

Name of preferred roommate(s)

1. \_\_\_\_\_ 2. \_\_\_\_\_

3. \_\_\_\_\_

## Pet Preference (if allowed at your community)

q I have a pet (list what type) \_\_\_\_\_ q I do not want to live with any pets

q I don't mind if roommate has a pet (list acceptable types)

## Personal Profile

I consider myself to be \_\_\_\_\_ Very Private \_\_\_\_\_ Private \_\_\_\_\_ Social \_\_\_\_\_ Very Social

Smoke? \_\_\_\_\_ Yes \_\_\_\_\_ No Bothers me if others do \_\_\_\_\_ Yes \_\_\_\_\_ No

Drink Alcohol? \_\_\_\_\_ Frequently \_\_\_\_\_ Infrequently \_\_\_\_\_ No Bothers me if others do \_\_\_\_\_ Yes \_\_\_\_\_ No

Neat? \_\_\_\_\_ Very \_\_\_\_\_ Average \_\_\_\_\_ Messy Study? \_\_\_\_\_ Often \_\_\_\_\_ Average \_\_\_\_\_ Seldom

Quiet? \_\_\_\_\_ Very \_\_\_\_\_ Average \_\_\_\_\_ Seldom Watch TV? \_\_\_\_\_ Often \_\_\_\_\_ Average \_\_\_\_\_ Seldom

Transportation? \_\_\_\_\_ Car \_\_\_\_\_ Motorcycle \_\_\_\_\_ Bicycle

What interests and activities are enjoyable and important to you? (List student organization memberships, such as sorority/fraternity, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please list the most important factors to be used in the assigning of your roommate(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date

# No Household Pays Rent Together in a Collegiate Community

Source: <http://retreatsanmarcos.com/for-parents> Accessed 7/17/14

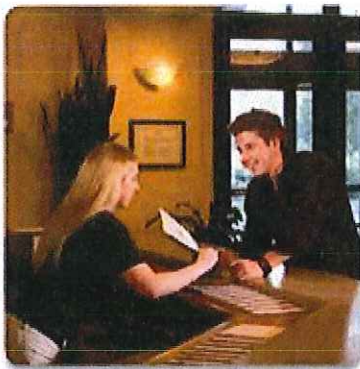


Give your student the lifestyle they want – Give yourself peace of mind

For many young adults, a productive college career can be the foundation for lifelong success. There will be no greater contributor to your student's academic success than the environment in which they live. At an American Campus community, we offer *best-in-class* accommodations in an environment conducive to academic achievement and well-being.

## Bringing Student Housing to Life

Since 1993, American Campus has been the nation's leading provider of academically oriented student housing communities. We have a unique understanding of, and an unrelenting commitment to students, parents and educational institutions. From our friendly, responsive staff to our educational recreational and social programs, our communities can serve as the foundation for your student's academic success, personal growth and the establishment of lifelong friendships. It is these intangible aspects that make our properties an "American Campus Community".





## On-site Professional Management and Maintenance Staff

At American Campus, we're always on duty. Our communities are staffed 24/7 with an on-site professional staff. Each property's staff is experienced and skilled in addressing all of your student's needs. Our local general manager is supported by leasing, business, and maintenance personnel along with our student staff of community assistants. While many local properties have absentee landlords and substandard maintenance programs, at American Campus Communities our staff is proactive and responsive to any maintenance concerns your student may have. All work orders are processed within 24 hours while comfort and life safety work orders are given immediate attention.

## Community/Resident Assistant Program

Your student is getting a good education, but do they have the skills that employers want?

According to a 2012 survey by the National Association of Colleges and Employers, hiring managers are seeking candidates with the following attributes and abilities: leadership, problem-solving, written and verbal communication, work ethic, and teamwork. **We can help your student develop these critical skills as a Community Assistant (CA) or Resident Assistant (RA)!**

Each CA and RA is as an integral member of the team and will have the opportunity to participate in all aspects of the operations of a student housing community that is managed by best-in-class publicly traded company. As a CA or RA, your student would have the opportunity to serve as a leader in one of our student housing communities as they help create an environment that is conducive to our residents' academic success. We expect the CAs and RAs to get to know their residents and to plan programs that will help the residents learn and grow. Through the leasing process, CAs and RAs learn to communicate effectively with a wide variety of customers.

Is your student ready to start preparing for their future? Encourage them to apply for a CA or RA position at their property by submitting an application online at [www.americancampus.com/careers](http://www.americancampus.com/careers).

## Individual Lease Liability

By signing an individual lease for your student, you are only responsible for the rent of your student. You have no liability for the rent of the other apartment residents - one less thing for you to worry about. If a roommate transfers or graduates, you have nothing to worry about. You are not liable for the other roommates' rent! This is a significant advantage over the joint and several leases used at rental houses and other apartment properties where each parent is liable for the rent of all residents in the unit. In those communities, when a roommate leaves school – you are liable for their rent. Not at an American Campus Community - just another way we give you peace of mind.





### Educational, Recreational, and Social Programming

We provide a premier Residence Life program, which offers a variety of educational, recreational and social activities. By promoting students' scholastic achievement and social development, we facilitate personal growth and well being while reinforcing the mission of the university. Programs may include activities such as: Alcohol Awareness, Resume Building, Intramural Sports, community participation in campus wide competitions and many more.

### Floor Plans, Amenities, and Affordability

We have a variety of spacious floor plans with private accommodations and all the luxuries and modern conveniences your student requires. In addition, our recreational and social amenities provide a productive outlet when your student needs a break from studying. Our communities are priced fairly offering you great value.

### Roommate Matching

We offer roommate matching for those that would like to be placed with a roommate. Each student is asked to complete a personal profile card in order to better assist us in matching them with someone compatible with their interests, hobbies and academic studies.

- **The Retreat**

## Information For Parents - Student Housing - The Retreat

## Parents Are Important Decision Makers and Customers.

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Source: <http://www.retreattucson.com/landmark-tucson/experience>

Accessed: 7/9/14



- [PARENTS](#)
- [CONTACT](#)

Call: 520-882-4158 | Located in Tucson, AZ

### A WELL-ROUNDED COLLEGE EXPERIENCE

More than just a roof over their head, The Retreat provides an abundance of features and amenities that will exceed all of your student's needs.

#### STUDENT-FOCUSED ENVIRONMENT

Built with the needs of college students in mind, The Retreat at Tucson offers a range of features and amenities that help promote both **academics** and **socialization**. The Retreat also offers private cottages with **no shared walls**, so neighbors are less likely to disturb one another. The Clubhouse makes studying convenient with a fully-equipped **computer lab**, **library** and **group study rooms**. And with high-speed internet and **wi-fi capabilities** throughout the community, accessing the internet couldn't be easier. The Clubhouse also serves for both management-planned and spontaneous events that provide the opportunity to **socialize without ever leaving the community**.

#### UNPARALLELED AMENITIES

In addition to the academic features, The Retreat offers the **best amenities in the country for your student's enjoyment**. Featuring a 9000+ square foot Clubhouse with a **state-of-the-art fitness center**, a virtual golf simulator, multiple plasma screen televisions and gaming tables; **Tucson's largest pool** water and beach volleyball courts; an outdoor grilling pavilion; basketball courts - **your student will never run out of on-site entertainment options!**

## Retreats and Their Associated Educational Institutions.

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LMP Presentation\_Municipalities-COPY.pdf - Adobe Reader

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## Retreat Projects

Landmark Properties has completed 13 student housing projects in 8 different states with 6,330 total bedrooms. In the past 4 years, Landmark has developed over \$600 million in student housing across the country. In addition, Landmark has 3 projects under construction for a fall 2013 delivery totaling just over 2,000 bedrooms. We are the most active, private student housing development company in the nation while also staying grounded and determined to find the best student housing sites in the premier college markets.



Project	University Served	Units	beds	Status
The Retreat	University of Georgia	59	217	Completed 2005
The Retreat 2	University of Georgia	21	66	Completed 2006
The Retreat South	University of Georgia	28	112	Completed 2006
The Station	University of Georgia	42	192	Completed 2007
The Retreat at Columbia	University of South Carolina	136	756	Completed Phase I 2008 Completed Phase II 2009
The Retreat at Lake Tanneha	University of Alabama	342	1,306	Completed Phase I 2009 Completed Phase II 2010
The Retreat at Knoxville	University of Tennessee	65	265	Completed 2010
The Lofts at SAS	University of Georgia	17	25	Completed 2011
The Retreat at Denton	University of North Texas	225	492	Completed 2011
The Retreat at Lubbock	Texas Tech University	218	653	Completed 2011
The Retreat at Tallahassee	Florida State University	170	710	Completed 2012
The Retreat at San Marcos	Texas State University	137	700	Completed 2012
The Retreat at Raleigh	North Carolina State University	149	554	Completed 2012
The Retreat at Tucson	University of Arizona	153	774	Under Construction
The Retreat at Oxford	University of Mississippi	160	660	Under Construction
The Retreat at State College	Pennsylvania State University	138	537	Under Construction
The Standard	University of Georgia	190	610	Closing - 2014 Delivery

10

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File Edit View Favorites Tools Help

AMCBerkshire.Org Birding in Massachusetts eBird Five College Calendar of E... Google Hampshire Bird Club http://www.celticartours MA HistSoc Maps Mass Audubon! Massbird

Call: 520-892-4158 | Located in Tucson, AZ

## THE RETREAT

COMMUNITY Location Amenities Photo Gallery Cottages Site Plan LEASING Why The Retreat PARENTS CONTACT

### Benefits

Living at The Retreat offers the very best in student living. At no other property at U of A can you realize all of these benefits:

- The Retreat's best amenities offer the ultimate opportunity to relax with friends and focus on both socializing and academics.
- Cottage design offers more privacy and personal space without the noise of neighbors next to, above or below you.
- No upstairs or downstairs neighbors to keep you up at night like in most apartment, flat or townhome buildings where paper thin floors and walls force you to hear every step.
- Huge bedrooms, each with their own bathrooms, offer spacious walk-in closets, more room to study and your own personal space.
- Open floorplans allow you to get together with friends in a fun and comfortable setting.
- Video-recorded surveillance and the Schlage system mean added peace of mind and sense of well-being.
- On-site property management provides community maintenance and resident assistance whenever needed.
- The Retreat is a pet friendly community that offers plenty of open space to exercise or play with your pet. And for those that don't have pets, because of The Retreat's cottage design, you don't have to worry about your neighbor's noisy dog keeping you awake at night.

Home | Community | Amenities | Cottages | Leasing | Parents | Contact | Sitemap | Corporate Site  
Landmark Tucson - 1000 E. 22nd Street, Tucson, AZ 85713 - 520-892-4158 - MAP

LeaseLabs! LANDMARK PROPERTIES

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8:24 AM 7/9/2014



Source: [http://www.retreatatoxford.com/index.php/prop/contact\\_us](http://www.retreatatoxford.com/index.php/prop/contact_us)  
 Accessed 7/9/14

**THE RETREAT**

**Contact Us**

**The Retreat at Oxford**  
 2405 Anderson Road  
 Oxford, MS 38655  
 Office Phone: (662) 550-2003

**Business Office Hours:**  
 M-F 9:00 AM – 5:00 PM  
 SAT 10:00 AM – 6:00 PM  
 SUN 12:00 PM – 5:00 PM

**Driving Directions:**  
[Download Directions](#)

**Serving Students From:**  
 University of Mississippi  
 Northwest Mississippi Community College

**First Name:** \_\_\_\_\_  
**Last Name:** \_\_\_\_\_  
**Email Address:** \_\_\_\_\_  
**Contact Phone:** \_\_\_\_\_  
**Comments or Questions:** \_\_\_\_\_  
 Please send me a Property Information Packet.  
☐ By Mail ☐ By Email  
 Rewrite the word below if you are human.  
 xmqki

**Property Staff:**

- Lauren Stewart, Community Manager
- Quay Garrett, Leasing & Marketing Manager
- Freddy Woods, Leasing Professional
- Delania Brooks, Resident Services Manager
- Rick Whidden, Maintenance Manager
- James Rogers, Maintenance Technician
- Kerry Pettis, Groundskeeper
- Taylor Carnes, Senior Community Assistant (SCA)
- Zach Churchey, Community Assistant (CA)
- Jared Hines, Community Assistant (CA)
- Riley King, Community Assistant (CA)
- Sarah Madison, Community Assistant (CA)
- Grace Schapar, Community Assistant (CA)
- Lindsey Wallace, Community Assistant (CA)

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[JOIN OUR TEAM](#)  
[FREQUENTLY ASKED QUESTIONS](#)

2405 Anderson Road, Oxford, MS 38655 | (662) 550-2003  
 Jointly Owned by [ECS](#) and Landmark Properties

Thomas B. Baker; 137 Shutesbury Road; Amherst, MA 01002

Amherst Planning Board  
c/o Ms. Christine Brestrup, Senior Planner  
4 Boltwood Ave.  
Amherst, MA 01002

RECEIVED JUL 22 2014

July 17, 2014

Dear Ms. Brestrup and Planning Board,

I am writing to request that you deny the application of Landmark Properties to construct their 641 bed student housing conglomerate on the land being offered in Cushman Village. The essential nature of the Cushman neighborhood would be destroyed, and all the abutting landowners who have played by the rules these many years would be betrayed by allowing a development that subverts the Amherst Town Plan in so many ways. The proposed buildings may be called single family dwellings, but there will be no homeowners and no families occupying these buildings. So, call it what you will, the Retreat is nothing but a room rental scheme intruding into a neighborhood of single family dwellings, and as such is not allowed.

There is a reason that this land has remained wooded and pristine for hundreds of years. It is very rough terrain, very rocky and very swampy. In short, virtually any place in Amherst is a better place on which to build than this parcel in Cushman. This truth is reflected in the many variances that Landmark has requested, both for building and for environmental concerns. If the Planning Board grants these variances to Landmark, it would make a mockery of our town plan and regulations. Furthermore, it would set an awful precedent for other developers, who will follow in Landmark's wake.

Speaking of the environment, it was not too many years ago that Amherst was nationally known both for its concern about the spotted salamanders, and for maintaining a wildlife-friendly outlook. After 50 acres of this parcel are graded, 290,000 cubic yards are cut and blasted from the site, 235,000 cubic yards are filled on the site, 21 retaining walls (seven over 20' high) are erected, 123 mini-dorms (oops!, excuse me, cottages) are constructed, and an extensive network of roads and driveways links it all together, I think we'll be hard pressed to find any critters on this land. Consequently, I hope you will see that Landmark's "concern for the environment" is nothing more than an excuse to build their mini-dorms too close together in unsightly clusters with inadequate setbacks, thus saving them time and money.

The students who would rent at the Retreat would be isolated from campus life. The roads leading to town (Henry St./North East St. and Pine Street) vary between challenging and near-suicidal for bikers. There are two grade railroad crossings on Pine St. and one on Strong Street. There are no pharmacies, shopping venues or supermarkets nearby. The result will be a lot more traffic on roads that are already busy. In short, the Cushman property is in a very bad location for this project.



Thomas B. Baker; 137 Shutesbury Road; Amherst, MA 01002

The Retreat will be very hard to manage when party season starts up in the Fall and Spring. I noticed that the police have an almost impossible task as it is on flat ground. The terrain of the Retreat would make their job impossible. Speaking of town services, how about road clearing? Has anyone on the Planning Board consulted with the town road crew about this project?

Finally, I am very concerned about the fact that the town doesn't seem to know whether or not tax revenues will offset the expenses of providing town services to the Retreat. Likewise, there seems to be no concern about the amount of blasting that will be required to move that 290,000 cubic yards of earth and rock that they specify. Many homes in Cushman are very close by. and many homeowners have water wells that could be damaged. Also, what package of Amenities are going to be offered by Landmark to its renters? There should be good answers for all these questions, but there are none.

So, please reject this project. Landmark Properties will build it, rent it, and sell it. That's what they do. The present owner doesn't need the money, but all the other stakeholders will be devastated if this deal goes through.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tom Baker". The signature is written in dark ink and is positioned below the typed name.

Tom Baker



July 21, 2014

To the Members of the Amherst Planning Board  
c/o Christine Brestrup, Senior Planner  
Town Hall, 4 Boltwood Walk  
Amherst, MA 01002

RECEIVED JUL 22 2014

Dear Members of the Amherst Planning Board,

We live on Shutesbury Road in Amherst, perhaps one mile from the proposed student housing development referred to as "The Retreat."

We have become familiar with this project due its proximity to our home, through what we read in the newspapers, including historical articles, and what we continue to learn in conversations with many of our friends. We must admit that we are not expert at all in the Amherst zoning by-laws, article by article, and will not offer opinions as to zoning. Our concerns about this proposed housing project are based primarily upon our own feelings, opinions, and observations regarding the human, environmental, and historical toll that could be caused if this development comes to pass. Many of our friends have the same impressions about this project.

As you might have guessed, we are definitely opposed to "The Retreat" proposal and hope that it will not be approved for development and construction in the wooded area of Cushman. It is our sincere hope that as members of the Planning Board, and as you are approaching the important decisions you will make, you will carefully consider matters other than strictly the zoning legalities of a project such as "The Retreat." We firmly believe that the serious, detrimental results of such a project should be carefully weighed when making a final decision about this proposal.

From articles we have read, as well as observations from many of our friends, we are convinced that this project would cause irreparable damage to the entire wooded area and wetlands that are designated for this proposed student housing. This acreage is not only the home of an endangered species of salamander, but is a pathway and home for many species of birds and other animals--all of which would be very negatively affected by the construction of such a large building complex.


In addition to the severe environmental damage that would be caused by this project, the historic layout and atmosphere of Cushman Village would be severely damaged, too. The Village became known due to its importance in the 19th Century era of the paper mills, the creative plan for the village streets, and the unique nature of the homes that were built here. In fact, much of the area of Cushman Village has been listed on the National Register of Historic Places. Many families have been living here in Cushman Village for thirty years or more, and many of their homes appear today much the same as they did in the 19th Century.

Of course, Village families themselves should definitely be considered when a decision is being made. They care deeply about their houses, their neighborhood, and their way of life, and are asking only that development as being proposed not be forced upon a fragile residential area like Cushman Village. It would be devastating for them, and many simply would not be able to adjust to the severe changes that would take place in their Village if this student housing were to be approved. On the other hand, if this acreage were to be designated entirely as conservation land, all homeowners in Cushman Village almost certainly would be ready to give their approval.

In conclusion, we urge you to weigh the options carefully, taking into special consideration the devastating impact such a major housing development would have on this fragile and historic village area. We are hopeful that, as members of the Planning Board, you will vote to reject the proposal to build this large student housing project adjacent to Cushman Village in North Amherst.

Thank you for your careful consideration.

Sincerely yours,

  
Fred and Sally Houck  
Shutesbury Road  
Amherst, MA 01002



**Brestrup, Christine**

---

**From:** Janet Poirrier <jpo.vox@gmail.com>  
**Sent:** Friday, July 18, 2014 11:31 AM  
**To:** planningboard@amherstma.gov; Brestrup, Christine; Select Board; Nelson, Tim; Matuszko, Michele  
**Subject:** Delaware Retreat calls

Dear folks,  
I found [this infographic](#) online, titled

RECEIVED JUL 22 2014

Calls to police concerning the Delaware Retreat property in the complex's first year

It gives a realistic, less speculative view of what the Town may be accomodating should the Retreat become a reality.

I hope you find it as infomative as I did.

Best regards,

Janet Poirrier

290 Flat Hills Rd., Amherst





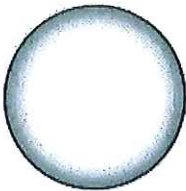
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Kristin Palpini Hale

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## Calls to police concerning the Delaware Retreat property in the complex's first year



Loud people, music, party Theft, burglary  
Medical emergency Damage to vehicle Disorderly conduct  
Criminal mischief Roommate dispute Harassment  
Drunk driver leaving complex False fire alarm  
Sexual assault Furnishing alcohol to minors Other

In its first 10 months of operation, 83 calls were made to police concerning the Retreat. The most popular complaint was for loud noise/party. August, 2013 through mid-June, 2014.



Create infographics infogr.am

**From:** Janet Poirrier [<mailto:jpo.vox@gmail.com>]

**Sent:** Monday, June 30, 2014 12:09 PM

**To:** Planning Department Email

**Subject:** Fwd: impact concerns

RECEIVED JUL 16 2014

Dear Members of the Board,  
I'm forwarding you a copy of a letter I wrote to the Conservation Commission last week.

Best regards,  
Janet Poirrier

----- Forwarded message -----

**From:** Janet Poirrier <[jpo.vox@gmail.com](mailto:jpo.vox@gmail.com)>

**Date:** Thu, Jun 26, 2014 at 11:34 AM

**Subject:** impact concerns

**To:** [conservation@amherstma.gov](mailto:conservation@amherstma.gov), [willson@amherstma.gov](mailto:willson@amherstma.gov)

Good morning,  
I just became aware of the Retreat contractor's disregard for wetlands cautions. Thank you for your prompt response to the situation. Our home at 290 Flat Hills is among the most directly impacted by the proposed Retreat and it's a good time to inquire with the Commission some concerns I have regarding the proposed project.

1. On Landmark's Definitive Plan maps, the wetlands area directly south of our property at 290 is labeled as "Open Space," even though town maps designate it as wetlands. Being abutters, we (my sister and I) request that this area remain intact as designated wetlands to protect and preserve our property and the integrity of the Cider Pond and King's Conservation areas to the East of Flat Hills.
2. Secondly, I had written several weeks ago about our property being a heavily used corridor of frequent wildlife movement. The movement I noted in my documentation is overwhelmingly SW to NE, across Flat Hills to the aforementioned conservation areas to the east. I am concerned because the mapped plan of the Retreat is also SW to NE, consuming the entire corridor I noted in earlier communication.
3. I'd like to note that the "Open Spaces" Landmark displays on their maps would permanently alter the variety of wildlife populations in this corridor if it is not kept intact as woodland to enhance migratory or nesting habits of woodland birds and mammals.

May I request that the Conservation Commission scrutinize the proposed Retreat Plans with an intent a) to determine as accurately as possible the impact of such a project on present wildlife variety and movements and b) to



preserve the corridor uses of properties on both sides of Flat Hills Road. This may mean keeping open spaces as wooded areas to provide shelter and habitat; wildlife permeable barriers around such areas; ensuring that the project include proven measures to minimize human/wildlife contact, given the density and size of development, for the safety of possible residents and wildlife alike.

Some watershed areas have received protection due to their use as wildlife corridors:

### **Mill River and Cushman Brook Corridors**

*The Mill River area in north Amherst runs through a natural greenbelt southwest to Hadley and the Connecticut River. Much of the flood plain is protected from development by FPC zoning restrictions, the Town Wetlands Protection by-law, and the Massachusetts Wetlands Protection Act. Active land acquisition and trail easements in this area provide extensive space for outdoor recreation while protecting wildlife habitat, water quality, and scenic beauty.*

*The Mill River below Puffer's Pond and the Cushman Brook above, contain above-average water quality and are known for their recreational value to Amherst residents and visitors alike. This corridor is significant to many nesting bird species as well as any number of mammals including moose, turkey, deer and bear. The upper watershed of the Cushman Brook provides water to the Atkins Reservoir.*

As an uniquely affected abutter to the project, I urge the Commission to please consider the urgency and seriousness with which these requests are made.

Thank you so much for your time and thoughtful considerations.

Best regards,  
Janet Poirrier  
290 Flat Hills Road  
Amherst



**Brestrup, Christine**

---

**From:** Rene and Susan Theberge <reneandsusan@comcast.net>  
**Sent:** Monday, July 14, 2014 2:18 PM  
**To:** Brestrup, Christine  
**Subject:** Letter to PB on the Retreat Traffic Study  
**Attachments:** Planning Board Letter 7.9.14.docx; ATT00001.htm

Dear Ms. Brestrup,

Please find the attached comments on The Retreat. If you have any problems accessing these comments, please contact us at:

Rene and Susan Theberge  
250 Shutesbury Road  
Amherst, MA 01002  
[reneandsusan@comcast.net](mailto:reneandsusan@comcast.net)  
(413) 575-8123

Sincerely,

Rene and Susan Theberge

THE UNIVERSITY OF CHICAGO

1900

*René and Susan Théberge*  
250 Shutesbury Road  
Amherst, MA 01002  
(413) 575-8123 (Rene)  
(413) 575-7345 (Susan)  
*reneandsusan@comcast.net*

July 10, 2014

Planning Board  
c/o Christine Brestrup, Senior Planner  
Department of Conservation and Development  
Town Hall, 4 Boltwood Avenue, Amherst, MA 01002

We are writing in response to your request for comments on The Retreat. We have been home owning residents of Amherst for 32 years, the last 21 of which have been on Shutesbury Road. Although we are not direct abutters of the planned Retreat, we are close enough to be affected by noise that will come from such a large development (we can hear UMass band practice now) and are located on a street whose traffic patterns will feel the effects of the Retreat if it is built as planned.

We are writing, in particular, about traffic issues and the Beta Group Traffic Impact Study submitted by Landmark as part of it's Definitive Subdivision Plan application to build the proposed Retreat.

Based on a review of this report, we are requesting that, at a minimum, the Planning Board reject this report and require Landmark to commission another independent report for the following reasons:

1. The methodology used is inadequate and/or faulty.
2. The data generated by the study is inaccurate and the study contains inaccurate information and/or errors as well as misleading statements.
3. The conclusions drawn from this report are misleading and/or false.

We believe the report's conclusions do not accurately reflect the actual conditions that will arise from the building of the proposed facility and that these conditions will create an unacceptable danger to existing residents and to the proposed new residents of this facility, thus failing to meet the requirements of the Amherst Zoning Bylaws in Sections 11.2430 and 11.2437. Please note that all **emphasis** and underlining are ours.



### Inadequate Methodology

The methodology used is inadequate and/or faulty for the following reasons:

1. Beginning on page 2 of the study, and in other places (i.e. pgs. 3, 11) the study fails to include the northern end of North East Street (from and including the intersection with Strong Street to its meeting with Henry Street) in its analysis.
2. In their analysis of Key Study Area Intersections, which fails to include the intersection of Strong and North East Street, they begin with a look at the **Henry Street and Pine Street intersection and the Bridge Street and Market Hill Road intersection**. In each case, the study fails to mention the impact of train crossings on traffic near these intersections.

Trains going over these crossings (on Pine Street a short distance east of the intersection with Bridge Street and crossing Bridge Street just south of the Market Hill Road/Bridge Street intersection) are often long enough to stop traffic at both intersections at the same time. Between 4 and 7 trains pass through Cushman Village each day. Freight trains are 50 to 100 cars long. Thus using what the study calls the "main access to the subdivision" and "the primary route from the residential subdivision to the college" could create traffic back-ups in both directions (depending on time of day) at either or both these intersections. When a long train is crossing these two intersections, Retreat traffic going to the University would be forced to turn down Henry Street to Northeast Street to Strong Street to get to the University without waiting. At rush hour time, the additional traffic generated could back up traffic all the way back to East Pleasant Street.

Why were no measurements taken during train crossing times? These train crossings are daily or more occurrences. This is not a trivial question because as recently as this May, there was an accident at the Bridge Street crossing involving a car being hit by a train.

3. In the analysis of the **East Pleasant and Strong Street intersection** (page 16-17), the study fails to mention that there is another intersection immediately north where Clark Hill Road intersects with East Pleasant Street. The distance between these two intersections is only several car lengths long. Did the authors of this study think it would have no impact on traffic and safety? Nor did they mention that cars traveling south on East Pleasant Street come up over a hill just to the north of these two intersections, so that drivers traveling south cannot easily see if traffic is backed up or there are cars entering East Pleasant Street from Clark Hill Road. Did the authors not view this intersection long enough to see this is a frequent occurrence or were they satisfied to look at their national AASHTO Standards and assume all would be well? The distances cited may meet the AASHTO Standards, but that assumes that drivers are going the speed

limit (on which the standards are based). A couple of hours observation will quickly disabuse any of that notion.

4. One intersection, **North East Street and Strong Street**, stands out by its exclusion from this study. The study's authors, for reasons unknown, did not include this intersection in their section on "Key Study Area Intersections" (pgs. 11 – 19). This is all the more strange in that the study did talk about this intersection, at least by implication, in their Traffic Flow Data section by including data collection points near each end of this intersection.

Students coming out of the Retreat from either the Henry Street exit or the Flat Hills Road exit will have the option of going to the University via North East Street and Strong Street. For some students, especially those living close to either of these two exits, this may be the preferred route. In addition, students who have parking spots at the south end of the University may also prefer this route. And, student's going into town or South Amherst will quickly discover this is often a better way to go than down East Pleasant Street. Given all these reasons that this intersection will be used by Retreat residents, it makes no sense that it was not included, especially when you consider that an analysis was done of the other end of Strong Street, at it's intersection with East Pleasant Street. How do the study's authors think these students are going to get to that intersection from the Retreat except by going through the North East Street/Strong Street intersection?

5. The study does not adequately assess the **proposed entrances/exits on Flat Hills Road and Henry Street** and the impact of increased traffic on these roads. Both these entrance/exits are on narrow secondary streets. Henry Street poses particularly difficult problems as the railroad track runs parallel along a portion of it just before and at the proposed entrance/exit that leave little or no room for widening to handle the increased traffic flow. We can easily see an accident happening in that stretch of Henry Street as a large fire engine heads north to respond to a call while cars are coming south. **It is important to note that these streets are also popular with bicyclists, walkers and joggers.**

The location of two of these two (Henry Street and Flat Hills Road) proposed entrance/exits, and the resulting usage, are beyond the capability of the structure and character of the existing roads and will create unacceptable and dangerous levels of traffic on these secondary, primarily residential, roads and intersections.

To mitigate this situation may be beyond the capabilities of the town or the developer, given the inability to widen, smooth out, or otherwise make safe the above mentioned intersection or Flat Hills Road, North East Street and Henry Street without drastic action such as eminent domain of existing households along the roads. In at least one section of Henry Street, there is literally no place to go other than the railroad tracks or someone's property.



6. In the study section on **Traffic Flow Data** (pgs. 19 – 23), the study cites two collection periods: April 2013 and November 2013. Unfortunately, they did not include a data collection period where the possibility of snow was high, as this will have a large impact on traffic flow and patterns. Given that this is New England with the reasonably high likelihood of significant snowfall, we find this omission both puzzling and inadequate. After all, the study's authors are based in Rhode Island where you would think they would be familiar with the concept of snow.

7. In the **Traffic Flow Data** section where they discuss the manual turning count (pgs. 21 -23), they also fail, as cited above, to include anything about turns from East Pleasant Street into Clark Hill Road as discussed above in this letter. It would seem that this would be a place where this should be discussed as there is so much turning off of and into East Pleasant Street at this intersection just adjacent to the Strong Street/East Pleasant Street intersection.

And, again, the study's inconsistency about the North East Street and Strong Street intersection shows up again in this section, as it is not included.

8. In the **Safety Analysis** section of the study (pgs. 23 – 26), the study states that the safety analysis was performed "To determine if there are any limiting factors affecting safety relating to the proposed access to the residential development, the physical characteristics of the servicing roadways in the area of the proposed points of access were investigated. These limiting factors would potentially include horizontal or vertical alignment changes or roadside obstructions that limit sight distances for vehicles traveling along the road, or entering the road from a side street or driveway location. In this instance, the sight distance standard is necessary to permit turning vehicles to safely enter and exit the new site access roads."

This is all well and good, but once again the study's author's relied on AASHTO standards as the criteria for whether a particular intersection was safe. This approach, while technically correct, is the minimum that should have been done, but is nowhere sufficient when one takes into account the actual usage of some of the roads and the varying conditions that apply in New England weather.

Based on our 21 years of year round direct observation and experience on a daily basis, let's take a look at the **Henry Street and Flat Hills Road/Shutesbury Road intersection** as an example.

As you are probably aware, Shutesbury Road at its start intersects with Flat Hills Road at just about the point where Northeast Street becomes Henry Street. Shutesbury Road is also a main commuter route for people coming into town and beyond from Shutesbury. Shutesbury Road and Flat Hills Road are very steep hills and people driving to the intersection are going downhill. Although there are STOP signs at the ends of these two roads, we have frequently seen people casually going right through them and then stopping 15 yards later where



Shutesbury Road intersects with the North East/Henry Street changeover. In winter snow and ice and in wet conditions all year round, it is easy for someone to lose control and slide out into the intersection if they are not careful. These conditions exacerbate the structure and geography, which are already dangerous and make it necessary to drive with care and attention.

In addition, when traveling north on North East Street and when traveling south on Henry Street on just either side of where these four streets meet, the road has curves and either inclines or goes up and down quite quickly resulting in poor sight lines in all directions (despite what the AASHTO standards say). Further, there are also two private drives (#s 359 – 429 Henry St and 752 – 782 North East St) just north of this intersection coming from the Henry Street direction.

Currently, it is sometimes a problem to turn left from Henry Street (heading south) unto the Shutesbury Road/Flat Hills Road entryway due to oncoming traffic from North East Street. Similarly, it is sometimes a problem to turn left onto North East Street (heading south) from Shutesbury Road. Cars can come very quickly from either direction on the North East Street/Henry Street thoroughway. While the sight lines perhaps meet AASHTO Standards under ideal conditions, these sight lines are blocked at various times in the year. For example, just recently the sight lines for making a left (south direction) from Shutesbury Road onto North East Street/Henry Street were blocked by tall grass for a number of days. Similarly, sightlines (and road widths) have been blocked in either direction at this intersection from heavy snow and plowing.

Each of us has waited frequently to make either turn. We are particularly concerned that the additional traffic will cause backups in both direction which has the potential to cause multiple car accidents as cars coming north on North East Street come out of a series of curves and may not see waiting cars in time, particularly in bad weather. Similarly, cars heading south on Henry Street have poor sight lines due to a curve and may also not be able to stop in time.

The casual visitor to this area might not see or notice these problems, but those of us who MUST use these streets to go anywhere are all too familiar with their frequency and potential for serious harm even at current traffic levels.

Any safety analysis has to take into account weather conditions, but nowhere in the study's safety analysis are weather conditions mentioned. All of the above problems would be made much worse by severe weather conditions. One need only remember the Halloween storm in 2011 where this area of Town lost power for a week; the roads were impassible; and some of us could not even get out of our driveways for a few days. Even in lesser conditions, such as a rainstorm followed by below freezing temperatures when "Black Ice" conditions prevail, traveling these roads can be quite challenging. We have used studded snow tires on our cars for years after an early experience of not being able to get up our street. Will Landmark provide extra road treatment for Flat Hills Road and Henry Streets to handle the increased traffic? Or will the Town bear these costs

or deal with these roads being frequently shut down from accidents? If such extra road treatment is required, what are the environment implications?

And what about the request from Landmark to increase the grading on some of their internal roads beyond code (10% versus 8%) given that these conditions will also apply there? Imagine a 10% grade on the Henry Street exit with "Black Ice" conditions.

We could go on at length about other examples of safety problems not discussed by the study that could be generated by an increased traffic flow to and from The Retreat such as the frequent fog and resulting low visibility on North East Street at night; the speeding/illegal passing on North East Street; and the similarly difficult conditions on Henry Street in the winter that make for dangerous driving. However, we think these brief examples show the inadequacy of this safety analysis and the author's unfamiliarity with local conditions that should be known to do a proper safety analysis. Such an analysis needs to not only look at national standards, but more importantly take local conditions into account when applying those Standards.

### **Inaccurate Data, Information and/or Errors/Misleading Statements**

As detailed below, the study is riddled with inaccuracies, out of date information and misleading statements:

1. On page 3, the study says, "In the Cushman Village area there is a mixture of supporting commercial uses such as the Cushman Market and Café, Cushman Scott Children's Center and New England Image Workshop which operate along Henry Street and Pine Street." New England Image Workshop moved out of Cushman in 2009 (verified by an email correspondence with the owner). Apparently, the study's "research" on the area consisted of looking at Google Maps, which still lists the business as being on Pine Street.
2. The study refers to Henry Street as an "urban minor arterial on page 2 and then two paragraphs later on page 3 as "more rural in nature." On page 5, the study refers to North East Street as "North East Road" and as an "extension of Henry Street." Isn't Henry Street a separate street? Confusing terminology at best.
3. Again, on page 6 in the section on Strong Street, the study refers in one place to what is clearly North East Street as Henry Street: "Strong Street is an east/west urban minor arterial extending between Henry Street and East Pleasant Street, a distance of approximately 5,100 feet." And the, further down in the same paragraph refers to North East Street as "North East Street."
4. On page 5, the study states that, "Market Hill Road is generally an east/west local rural roadway providing access to homes along its length between Bridge Street and Still Corner Road where it becomes Cushman Road heading into



Shutesbury." There is no Still Corner Road at that location. Perhaps they mean January Hills Road?

5. On page 6, in referring to Flat Hills Road, the study describes the road as having at its southern end, "a relatively steep upgrade from south to north" which at its best is an understatement as there is no "relatively" at all about the steepness of this end of Flat Hills Road as anyone who has driven it can attest. This is one more example of where the report mischaracterized information in an attempt to downplay the inadequacy of the actual roads surrounding the proposed facility to safely handle the increased traffic burden resulting from the proposed Retreat.

6. Midway through page 9 and again at the bottom of page 9, the study calls the university a "college."

7. On page 18, the study states that the speed limit is posted as "25 mph on Shutesbury Rd in the vicinity of the intersection." Having lived on Shutesbury Road for 21 years, I can assure you there is no such posted speed limit posted on Shutesbury Road in the vicinity of the intersection. Perhaps they mean the 25mph sign posted on North East Street just south of the Flat Hills Road/Shutesbury Road intersection with Henry Street/North East Street?

The most generous interpretation of these errors is sloppiness or a lack of proof reading, neither of which gives one confidence in the thoroughness, accuracy and care with which the study was conducted. We would note at this point that one of us worked as a consultant in operations management for a number of years and had he turned in studies of this caliber, his clients never would have rehired him.

### **Incorrect Assumptions/Conclusions**

In the first of several conclusions based on assumptions that do not have data to back them up, the study states in referring to Market Hill Road (pg. 5) that, "No curbing or sidewalks are provided, though bituminous berm is utilized from Bridge Street to the treatment facility access road which will provide the main access into the new subdivision." While Landmark may designate this access as the "main access to the new subdivision," this does not mean that it will become so in actual use. Traffic patterns as determined by actual use over time will determine the "main access" point which may also vary over time depending on the usage patterns of the residents at any given point in time.

Similarly, on page 9, the study states that, "East Pleasant Street is a north/south urban minor arterial extending from Pine Street to its intersection with North Pleasant Street south of the UMass campus. This roadway along with Pine Street will provide the primary route from the residential subdivision to the college." Once again, while Landmark may designate this route as the "primary



route," this does not mean that it will become so in actual use. Traffic patterns as determined by actual use over time will determine the "primary route" (or that no route will be "primary") which may also vary over time depending on the usage patterns of the residents at any given point in time.

The two most egregious examples of incorrect assumptions/conclusions (as well as faulty methodology) are in the **Trip Generation** section of the study.

As a baseline for comparison purposes, the study states "estimated traffic volumes for the new student housing development were based on an independent study of an existing student housing apartment complex in Amherst, MA and the use of trip generation factors" and "traffic count data was obtained at the Puffton Village Apartment complex on North Pleasant Street to develop a trip rate for the proposed student housing apartment land use."

The question I have is how anyone could think that Puffton Village could serve as a baseline for comparison purposes to the Retreat? First, Puffton is right next to the University. It is within easy walking and biking distance and there are **several** bus routes that go past Puffton daily as well as two bus stops **within** the complex. All these factors would tend to depress car trips from Puffton to the University, as a car is not necessary

Secondly, let's look at how these numbers were developed. The Trip Generation Estimate (Table 3, pg. 27) by the study's own admission is **based on the number of "existing Puffton Village Apartments" not the number of actual residents or residents with cars**. Since the study, as well as other documents submitted by Landmark indicates that there will be 641 residents with 681 parking spaces, it is clear that Landmark assumes that most if not all students will have a car. Given that the proposed Retreat is a minimum of 1.5 miles from the most direct entrance to the campus by Landmark's measurements (pg. 29); that current bus service is also minimal and that students will have no other way of getting to shopping malls, movies, etc., then it is likely a correct assumption that most, if not all, Retreat residents will have cars. At minimum of a single two way trip per day per student, this would generate 641 two way trips per day, which is a 370% to 525% (641 divided by the study's figures of 173 and 122 respectively) increase in trips each way as projected by the study (pg. 28) during peak hours depending on the time of day. Even if only one half the residents left on any given day, we are still talking about 180% to 260% as many two way trips each way as projected by the study.

This is hardly the "moderate volume (122AM/173PM) of peak hour site related trips" as stated in the study. Please also note that the study's estimation of the number of trips is just an estimation. No actual measurements of trips out of Puffton were done. This means the standard for comparison used has no basis in reality, it is only based on residential land use codes which once again may not reflect the actual conditions and usage and factors such as distance away, bus routes, etc.



Next, let's take a look at the study's assumptions around what they call "the distribution of site traffic to the three subdivision access road intersections and the servicing roadway network..." (pg.29). The study uses somewhat ambiguous language to describe the quickest way to get to the university, "The most direct route between the site and college was found to be the Pine Street to East Pleasant Street corridor which is approximately 1.5 miles, and takes roughly three minutes to travel from Eastman Lane to the Market Hill Road site access road." The study goes on to say, "Travelling to the college along Henry Street to Strong Street is roughly double the time and distance, and would be less desirable on a daily basis for access between the site and the college."

Finally, the study concludes that "Based upon the site layout and the servicing roadway network, it is estimated that approximately 55% of the site-generated traffic will enter/exit the site access on Market Hill Road, 30% will enter/exit the site access on Henry Street and 15% will enter/exit the site access on Flat Hills Road. The site-generated traffic at all three site access road intersections was then distributed to the local roadways and study intersections, using the intersection traffic distribution obtained in the data collection phase between the site and college."

These statements are misleading and inaccurate. While it is true that the distance from the proposed Retreat to Eastman Lane is approximately 1.5 miles, it is misleading to imply, as is done in the study, that on reaching Eastman Lane (at the intersection with East Pleasant Street) you are at the university with no further to go nor with any additional time involved as there is no parking place nearby for commuters.

It is also an incorrect assumption to say that, "using the Henry Street to Strong Street access route would be less desirable on a daily basis." What the study does not take into account is the fact that commuters must park at the university in designated spots, all of which are on the perimeters of the university, the majority of which are completely across the campus on the south end (Lots 11, 33, 34) or on the west end of the campus near the Mullins Center (Lots 12, 25) or in other locations far from classroom and student facilities (Lots 13, 26, 27).

**Where commuters park is probably the major factor** in determining "the distribution of site traffic to the three subdivision access road intersections and the servicing roadway network..." as different routes are quicker to a specific location. This is not always self-evident. For example, a commuter could use the suggested "most direct route" 3 minute route where the closest parking in another half mile down Eastman Lane (lot 27 behind Toteman Gym) and then as much as a 30 minute walk across the campus if your class or facility is at the southern end of the campus. Or one could use an alternate route of Henry Street to North East Street to Strong Street to Clark Hill Road and down into Massachusetts Ave and Lot 34 in 15 minutes with a 5-minute walk to your class.



The point here is not that any one route is superior to any other, but that this study is deeply flawed in its methodologies, which lead to unproven conclusions. The percentage of use of each exit estimated by the study is just that; an estimate whose basis does not match the local reality of the road system and parking at UMass.

The unreality of the study's assumptions is further clarified by the statement (Pg. 32) that "The intersections studied for potential impacts included existing locations along the main corridors between the subdivision and university. Based upon the low volumes of traffic on the immediate servicing roads of Henry Street and Flat Hills Road, an analysis of the proposed intersections of the new subdivision road with these streets, was determined not to be necessary. These intersections will operate at a good Level of Service A with adequate gaps and minimal delays, with typically only one vehicle waiting to enter or exit the subdivision access road."

We would like someone from the Beta Group, who did the study, to explain us how there will be "only one vehicle waiting to enter or exit the subdivision access road" when say 60 or 70 students (roughly 10% of residents) all have a 9:00 AM class and need to leave at the same time? What about 200 students going to class at the same time? What about half (320) the residents going to a football or basketball game? What about only 20 cars leaving at the same time?

Similarly, the study contradicts itself when it states, "The unsignalized intersection that presently experiences the greatest delays is the East Pleasant Street intersection with Pine Street. During the daily afternoon peak hour the northbound East Pleasant Street approach experiences delays between 25 and 35 seconds resulting in typical maximum queues of 4 to 6 vehicles waiting to turn left onto Pine Street westbound. Often several of these queued vehicles were able to turn onto Pine Street in the same gap in the mainline traffic stream as traffic on Pine Street is platooned from the west due to the traffic signal at North Pleasant Street. During all other periods of the day, this movement experiences minimal delays with typically one or two vehicles queued waiting to turn left. The right turning traffic from the minor approach experiences minimal delays when they are able to bypass the left turning traffic and turn separately. However, if more than three vehicles are queued to turn left, there is insufficient pavement width for right turning vehicles to bypass."

A little earlier in the study, this was described as taking "roughly three minutes to travel from Eastman Lane to the Market Hill Road site access road" (although I've tried and never did it in less than four minutes). Notice that the direction of the route is the exact opposite of what was quoted above. It may only take 3-4 minutes going north on East Pleasant Street, but the study itself says that **without the added traffic from the Retreat**, that there are delays and that traffic going straight down Pine Street is held up if more than three cars are waiting to turn. The study also states that "approximately 55% of the site-generated traffic will enter/exit the site access on Market Hill Road" and presumably continue on



to Bridge Street to East Pleasant following the "most direct route" to campus. So there is the potential, according to the study itself, that as many 352 (55% of 641) cars could use this route at one time! But let's be more realistic. In our example cited above when only 60 or 70 students (roughly 10% of residents) all have a 9:00 AM class and need to leave at the same time, it would mean that as many as 38 cars (55% of 70) would back up on Pine street resulting in significant delays, not to mention all the existing traffic using the road at that time not coming from the retreat. How can this be Level "A" service?

Finally, the study makes the following statement regarding conclusions and recommendations (pgs. 35 – 36). Quoting briefly from the study, the authors conclude:

"In summary, the study has shown that the proposed residential development project access and circulation plan has been designed to maintain a desirable level of traffic safety and efficiency on the surrounding roadway system."

"The proposed roadways and intersections providing access to the site including Market Hill Road, Henry Street and Flat Hills Road were reviewed for safety and found to provide sufficient stopping sight distances for entering and exiting vehicles."

"The study has also determined that the residential development will increase traffic volumes on the servicing roadways during the peak traffic conditions experienced along the corridors. These new vehicles will not change or negatively affect the free flow operations and acceptable level of service that presently exist in the defined project area with the recommended mitigation."

"The new site access road locations will also operate efficiently with minimal delays and no congestion."

"Therefore based upon the analysis and study completed for this project, it can be concluded that with the mitigation proposed, the future traffic conditions resulting from the proposed residential development will provide for adequate and safe access to a public street, and will not have a detrimental effect on public safety and welfare in the study area."

We believe that detailed rebuttal of the study provided in this letter demonstrates that these conclusions are not true. If anything, without intending to, the study demonstrates just the opposite as a result of its inadequate and/or faulty methodology, its inaccurate information and/or errors, as well as misleading statements. As a result, the conclusions drawn from this report are misleading and/or false and the proposed development fails to meet the following standards of the Zoning Bylaws, **as indicated in bold print below**, and cannot be modified sufficiently to meet these standards:

## TRAFFIC/PARKING

11.2430

The site shall be designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and **in relation to adjoining ways and properties.**

11.2437

When a traffic impact report is required, the proposed development shall comply with the following standards:

1. **Level of Service (LOS) at nearby intersections shall not be degraded more than one level as a result of traffic generated by the proposed development, nor shall any nearby intersection degrade below the Level of E.**
2. **Adjacent streets shall not exceed design capacity at the peak hour as a result of traffic generated by the proposed development.**
3. **Safety hazards shall not be created or added to as a result of traffic generated by the proposed development.**

We respectfully request that you reject this study as an acceptable part of the application and require Landmark to provide a completely new study, which takes into account the errors made in the Beta group study. We believe that accepting this study compromises the safety of both the potential residents of the Retreat and the long-standing residents of the immediate area, as well as the general public who may use these roads on a regular or intermittent basis.

Further, we also believe that the addition of the volume of traffic that the Retreat will produce will change the character of this historic village center to such an extent that it violates both the spirit and letter of the Zoning Bylaws.

We would be happy to meet with you, take you on a tour, or speak with you on the phone if you need additional information.

Sincerely,

Rene and Susan Theberge



RECEIVED JUL 14 2014

To the Amherst Planning Board

July 14, 2014

With the Definitive Subdivision Plan application for The Retreat of Amherst having been submitted on May 27, 2014, the review process has started for the Town of Amherst. The Town is still awaiting the submission of the project's Site Plan Review for a Cluster Development. The following is a quick review of the steps taken to date to begin the process. A consulting engineer firm has been retained by the Town to assist in the Planning Department's review. The Conservation Commission has put a second request out for an environmental firm to assist them. The Town has posted on its website all of the submitted documents for public access. The public has begun to submit written comments to the Planning Department to aid in doing a thorough review of this new development. The first public hearing for the Planning Board is scheduled for Wednesday, July 30, 2014.

The Town needs to continue to be proactive in outlining to the developer the process the Town feels will produce the best review of the project for the residents of Amherst. We must assure that the process is not a rushed and with a piecemeal approach. This is a unique, sizable proposed development for Amherst that needs thorough, in-depth research by the Planning Department and Conservation staff working with their consultants. Then it is important that the Planning Board and Conservation Commission require the appropriate time to review with other town resources and to develop the proper responses. The Select Board, as the town's elected governing body, also needs to assure the process is properly carried out.

First, the developer needs to submit a complete set of information on the entire proposed project. This includes the extensive amenity package that is part of every Retreat project that has been built. The Retreat project in Newark, Delaware, opening next month in August 2014 near the University of Delaware, has two clubhouses, the largest being 9,700 square feet with a computer center, free-all-night "Starbucks" coffee bar, a tanning and a game lounge, as well as pool tables, multiple flat-screen televisions, and a catering kitchen. Other amenities include Newark's biggest resort-style pool with an outdoor kitchen and grilling stations with bar top, and lighted basketball and bocce ball courts. Part of having a complete set of information should also include the Site Plan Review Application. Let's do one complete review of The Retreat project and not numerous reviews because the developer wants to see what waivers they receive under the Subdivision application before filing a Site Plan application. Then finally the developer will file for an accessory use approval for the amenity package/lot.

Second, the Conservation Committee needs time to delineate the wetlands on the property so a correct Yield Plan can be prepared. The developer can then submit plans that properly show the layout and design of the correct number of units permitted by an accurate Yield Plan of the property, including the proposed amenity package. All the requested zoning waivers will then be clear to everyone.

Third, as the Town and its consultants do their review, additional information will be required. A clear example of this is the incorrect data in the submitted traffic study, i.e. using Puffton Village as a comparable property for traffic generators. After the reviews are completed, there needs to be feedback to and time for the developer to submit the new information before hearings are done.



In any negotiation, the objective is to have the other party do most of the work and talking so one knows what the final items are that one will have to fight or sue on. One of the best strategies is to try to break things into parts, and have compromise and agreement on individual parts, before having to fight on the last several items.

With the above in mind, why would the developer agree to delay timing and not seek approval on individual parts to his benefit? The Planning Board is required to respond to the applicant on the Subdivision Plan application within 90 days of submittal, August 27, 2014. One solution for the Town is to outline to the developer that the Town would like to do one complete review and approval of The Retreat project with a complete set of information available and all appropriate applications filed. With this approach the Town may be more willing to review zoning waivers in a more complete way by fully understanding the proposed development. If the developer insists on doing it his way, a piecemeal approach, then zoning waivers may be harder to understand. The Town has certain rules and regulations that they must legally follow on applications, but a willing developer working with the town should be able to reach a solution that achieves the Town's objective of understanding the COMPLETE development before granting any approvals. If the developer wants to sue on one part of the development, i.e. the amenity package, let them sue on the entire development without already receiving any piecemeal approvals.

If built, The Retreat development will have a major, everlasting effect on the historic Cushman Village and the surrounding neighborhoods. The zoning for this development allows a residential cluster subdivision. To many Amherst residents a development of 123 lots having 175 units with 641 bedrooms and 681 parking spaces owned by one limited liability company by out of state individuals and leased by the room to primarily students with 24 hour on-site management staff sounds like an apartment project or something very similar to a modern dormitory. Neither of these uses are permitted within this zoning district.

The Retreat development is the largest Subdivision and Site Plan applications to the Town of Amherst in many years, maybe ever, and it's important that the Town control the process and not the developer.

Ken and Bonnie Hargreaves

187 Henry Street, Amherst, MA 01002

cc Select Board

Town Manager

**From:** Betsy Mathews [mailto:magistramathews@gmail.com]  
**Sent:** Tuesday, July 08, 2014 6:04 AM  
**To:** Brestrup, Christine  
**Subject:** Letter to Planning Board

RECEIVED JUL 08 2014

Planning Board Members  
C/o Christine Brestrup, Senior Planner  
Town Hall, 4 Boltwood Walk  
Amherst, Mass 01002

I am concerned that Landmark Properties, in an attempt to mask the traffic impact of the Retreat, overstates the potential for bicycle use by residents and overrates the bicycle accommodations planned for the proposed development.

I have been a daily bike commuter from Cushman for years and notice several features in the Definitive Plan that undermine the likelihood of any significant bicycle use from the site.

Hundreds of feet of roadways within the development are at 8%-10% grade. These grades are taxing even for committed cyclists and will be a powerful disincentive to casual commuters, especially when there is a personal car parked right next to the place of residence.

Furthermore, there are no bike lanes in the roadways and the so called multi-purpose paths laid out in the site violate safe multi-use trail standards in several respects:

- Many sections of the paths traverse steep grades.
- Driveways cross the path in dozens of places.
- Steep slopes seriously exacerbate the hazards posed by these frequent intersections
- Sections of the multi-purpose path end abruptly at intersections with the main access roads.

Road D and its intersection with Road A embody these several hazards: the multi-purpose path ends suddenly on one side of the street, however on the other side of the street where the path turns sharply onto Road D it curves along an 8% grade while crossing five driveways. As cycling accommodation this configuration is a simply a mess, a very dangerous mess.

The rugged nature of the site will never invite much bicycle use, and, in fact, the plans submitted create unusually hazardous cycling conditions. Please keep these points in mind when Landmark spokesmen claim that bicycle use will mitigate traffic impacts on Cushman's narrow country roads. Please also consider the multiple design flaws when assessing the potential safety and well-being of residents.

Respectfully,  
Betsy K. Mathews  
107 Henry St.  
Amherst, Mass 01002

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RECEIVED JUL 02 2014

To: Amherst Planning Board

From: Eva Lohrer, 492 Flat Hills Rd Amherst MA

I am writing to express my opposition to the proposed subdivision plan submitted by Landmark for a 641 student housing complex to be constructed in North Amherst with entrances on Flat Hills Road, Market Hill Road and Henry Street.

The contrast between the siting of the "Retreat" in Amherst and the siting of two other "Retreats" built by Landmark and recently featured in the Hampshire Gazette could not be more striking. The Delaware Retreat is located in a Home Depot parking lot and the Penn State Retreat is surrounded on 3 sides by apartment complexes.

In contrast the Retreat in Amherst is proposed for a part of town that is truly rural and by allowing a 641 student housing complex to masquerade as a residential subdivision, the Planning Board will make a mockery of R-O zoning. The mere fact that tenants will rent by the room creates an obstacle to non-student households becoming tenants and Landmark's reputation for creating a resort style college living experience further discourages young professionals, retirees and even graduate students from becoming customers.

In an article in Globe St.com (copy attached) Jason Doornbos, VP of development at Landmark states "his firm is going for the wow factor in its amenity packages" Others in the same article describe it as "amenities on steroids", with everything from café bars, to swimming pools to fitness centers.

R-O zoning does not allow for café bars, and fitness centers and for good reason; these are commercial ventures in a part of town that has no commercial zoning. It is true that as an accessory use there are individual homes with pools and perhaps somewhere in Hampshire County there is a neighborhood pool but nowhere is there a pool and setting that is designed to host 650 people and their friends on a regular basis. Article 5 of the Amherst zoning bylaw states that: accessory uses are "subject to the general limitation that it shall not be detrimental to the neighborhood or the property in the vicinity". A swimming pool at the Retreat (and any other outdoor amenity) will not only create a substantial noise disruption but also encourages large gatherings of unsupervised students invariably including abuse of alcohol and all the related problems Amherst deals with incessantly: property destruction, crime, violence and excessive use of ambulance, fire and police services.

The proposal identifies certain lots as amenities lots but provides no specific information about what amenities will be provided. Because this is a standard feature of Landmark's student housing complex and because this is likely to have such an extraordinary impact on the surrounding neighborhood the planning board should require Landmark to provide detailed information about the proposed uses for the "amenity lots" before approving the subdivision plan.

There are many other features of the proposed Retreat which are not in conformity with the R-O zoning regulations and which serve to undermine the residential nature of North Amherst and replace it with a

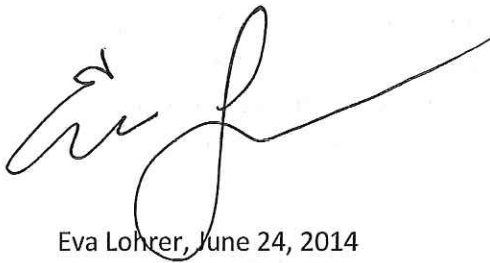
more commercial atmosphere including a rental office, parking for a rental office, parking lots (as opposed to on site parking) and street parking. None of this is permitted in R-O zoning because it undermines the rural and residential nature of the neighborhood. I ask the planning board to respect the zoning requirements which every other homeowner in Cushman has complied with for decades.

Landmark has requested modifications including front setbacks, side setbacks and rear setbacks which once again undermine the R-O zoning by creating a visual image that is much less like single family housing and much more like an apartment complex (prohibited in R-O zoning) and they have requested an excessive number of wetlands crossing to create a much more densely sited project that than is actually suited to the landscape.

I am asking the planning board to deny this subdivision proposal because it does not meet the requirements for R-O zoning. This is a "similar use" to dormitories affiliated with the University and as such should be sited in the Fraternity District. It is possible that a small minority of tenants at the Retreat will not be students but the preponderance of tenants will be and the project will be designed and managed with students in mind and when it is sold (which all recent Retreats have been within months of opening) it will be sold to investors who invest exclusively in student housing. For all these reasons the Retreat should be classified as a student housing complex and it should be prohibited from the R-O district.

Lastly, the Retreat subdivision proposed as a cluster development does not provide many of "benefits likely to be gained" as specified in section 4.31 for cluster developments. Specifically: The project is not compatible with the character of the surrounding neighborhood, the proposed \$8.9 million blasting, grading and grubbing budget makes it clear the project is not harmonious with the natural features of the land, there is no provision for affordable housing and with 7 wetlands crossings and every single identified wetland abutting a building lot there is poor protection of the natural resources of the property.

I respectfully request that you say no to the current proposal for the Retreat at Amherst.

A handwritten signature in black ink, appearing to read 'Eva Lohrer', with a long, sweeping horizontal line extending to the right.

Eva Lohrer, June 24, 2014





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Last Updated: June 9, 2014 06:49pm ET

EXCLUSIVE

## Location Helps Determine Amenity Needs

By Natalie Dolce | National

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"These are resorts versus housing," said Faulkner.

LAS VEGAS—While some companies, like Landmark Properties, are looking at adding amenities galore to their properties, others like EdR, for example, are a bit more conservative. Representatives from those companies and others were among panelists on a "Design, Development and Construction Trends" panel at RealShare Student Housing on Thursday.

According to Joshua J. Wilson, VP of development at EdR, his company focuses on things like a private bath and having no double occupancy. Jason Doornbos, SVP of development at Landmark Properties, on the other hand, said that his firm is going for the wow factor in its amenity packages. "We have done spas in our projects, pools, and we are constantly trying to come up with that best new amenity to include in our clubhouses."

In a preview article before the event, moderator Greg Faulkner, president of Humphreys & Partners Architects, told GlobeSt.com that one thing he has seen a lot of lately are what he deems "amenities on steroids." According to Faulkner, "these are resorts versus housing," fully equipped with rooftop bars, seating, pools with lazy rivers, cyber cafes and social areas, concierge services, poolside yogurt service and more. "There are not apartments or dorms, think Hyatt Regency."

Jake Newman, SVP of American Campus Communities, pointed out that the location of a student housing project is what helps determine the amenities needed. Two focuses for his company is having a state-of-the-art fitness center as well as internet connectivity.

And to help send a message to the parents that it is a living and learning environment, American Campus Communities also tries to incorporate study rooms in its properties.

What is important to consider, according to Jamie Swick, CEO and owner of Integrity Period, is taking a real examination in what the students do in their spare time to help determine what you are offering in terms of storage. "Do they need bike storage or are they storing kayaks on all their cars?" How you use your green spaces is also key, she said.

Doornbos talked about the importance in creating an atmosphere, like a Starbucks—with high back booths, dark paneling, café bar etc.—noting that it creates "crazy good vibes" and "shows great."

When talking about unit mixes, panelists were split on whether consistency was key, or whether having a variety of different units helped create a sense of urgency when students look to sign leases. For Doornbos, having a variety of different unit types help student come in and pick what works for them. Newman said it is important to be "consistent with our product size, bathroom layout and bedroom size."

When it comes to your floor plan engineering, while Swick felt there is a need for double-occupancy rooms across the country, it has to be done very gently. "I prefer it in two-bedroom units. I don't like to see it in three or four-bedroom floor plans."

What is also important, Swick added, is to find out if students prefer to have a larger bedroom, or do they prefer to have more of a living room area. "Finding out how students want to use their space is key."

When asked about challenges, aside from rising construction costs, Newman said that dealing with extensive entitlement processes and getting through it all was challenging. "We are also seeing some hefty tax bills," he said.

For Wilson, one challenge is finding the sites at the schools his company wants to build at. "Many times the sites are so small that it justifies a high-rise, but the rents in that market don't justify a high-rise."

One of the forecasts that Swick mentioned to GlobeSt.com in a preview article for the event was that "Hybrid communities are next on the horizon where Millennials and students are housed together." Swick noted that markets like Deland, FL, are an example of "where you have a small school with no off campus housing for a very affluent student base and no housing for the work force serving the school either." Individually, she says, "the target markets might not be sufficient to secure financing but together they are a slam dunk."

Did you miss RealShare STUDENT HOUSING? Catch the recap at [GlobeSt.com](http://GlobeSt.com).

Related Topics: West

About Our Columnist





RECEIVED JUL 17 2014

Jonathan D. Woodruff  
18 Juniper Lane  
Amherst, MA 01002

July 10<sup>th</sup>, 2014

Amherst Planning Board  
4 Boltwood Avenue  
Amherst, MA 01003

Dear Amherst Planning Board Members,

My wife and I moved to Amherst a little less than 5 years ago as two early career professionals. We are new to the area and as such feel a little nervous about criticizing the Landmark Retreat proposed for North Amherst. Nonetheless, I do feel that I am among an important demographic with a perspective the town might be interested in. Landmark is asking for a relatively large number of leniencies to current regulations and town bylaws in order to allow for essentially a now relatively high-density student cluster development in a remote area of Amherst previously zoned for low density housing. These exceptions, if granted by the planning board, will provide incentives and legal precedence for further high-density, satellite student developments in areas previously zoned low-density in the town.

Investing in this type of isolated student clustering is incompatible with the safe family oriented community my wife and I are interested in starting a family in. It also, in my mind, does not serve UMass students. Isolating these young adults from campus in this remote development excludes them from the many opportunities and extracurricular events offered by the University. When faced with nothing else to do, this remote cluster development will set many undergraduates up for failure by encouraging a relatively unregulated party environment that many of these students will get lost in. I ask the Board to consider if they would want their own children's rare and precious undergraduate experience to be that offered by the isolated "Retreat".

By making the short-term, high-risk investment in Landmark's "product", the board is essentially selling the town's longer-term stock in earlier carrier families no longer interested in living in an area that at the moment is well suited for them. Landmark is proposing to replace this unique and appealing setting of slow managed growth with a "quick profit" development ill suited for student learning. With a current undergraduate enrollment of 22,000, the number of students that the Retreat will support is a drop in the bucket for the University and I have no doubt outside developers and larger landowners in Amherst have every intent of exploiting loop holes set forth by this decision to push forward similar styles of student development in the future. By providing leniencies and incentives for this type of development the town is choosing relatively unmanaged, remote student clustering over the slow, more managed growth of low-density family oriented communities.

Maybe the transition of North Amherst to zoning that attracts this type of remote student clustering is the town's intent, I do not know. If so the planning board's current master plan is at the very least misleading and at the most deceptive. Should the planning board allow for the many exceptions asked by Landmark they should also update their master plan such that families like our own may make an informed decision on where we decided to lay down our roots. I, as well as many of my peers, will be watching this issue closely when deciding if Amherst is the place for us long-term. If not, there are many neighboring towns with long-term perspectives potentially more conducive to our own.

As my family grows I look forward to being a positive and constructive member of my community. Whether this is in Amherst or somewhere else depends on how much the town is willing to investing in the type of family oriented community that I am interested in contributing to.

Sincerely yours,  
Jon Woodruff  
18 Juniper Lane

RECEIVED JUL 17 2014

**From:** RLeitch390@comcast.net [mailto:RLeitch390@comcast.net]  
**Sent:** Wednesday, July 16, 2014 1:24 PM  
**To:** Brestrup, Christine  
**Subject:** Retreat

Dear Planning Board

As a resident of Cushman, I am asking for the planning Board to vote 'without compromise' on the Landmark development. As representatives of the town, I hope you are hearing our opinions. I would hold Landmark strictly to every Bylaw. You have no need to bend the rules. This is what we request and expect of you.

Robert Leitch  
Patricia Donahue Leitch



RECEIVED JUL 17 2014

From: gabrielle.s.r@gmail.com [mailto:gabrielle.s.r@gmail.com]  
Sent: Wednesday, July 16, 2014 1:43 PM  
To: Brestrup, Christine  
Subject: Saving Cushman

Dear Amherst Planning Board Members,

I am not a resident of Amherst, but travel through Cushman daily on my way out of Leverett and feel an immense concern for what will happen to this quiet residential historically rich community. When Pine Street was the area of heavy construction this past spring the traffic was a nightmare, with daily detours that disrupted businesses and commutes. This is what I see for the future of this area.

Another concern is the impact The Retreat will have on the environment, the leaching of septic waste into the local reservoir, and local streams and ponds, tearing up an area that has been protected in the past, the degradation of the already fragile roadways. The retreat is not a good fit for Amherst, let's protect what we have. UMASS has a responsibility to provide housing for their students, maybe it is time for them to point New Dirt in the direction of providing housing within the proximity of the campus.

Gabrielle Stapleton Roach  
80 Amherst Rd  
Leverett MA

RECEIVED JUL 17 2014

From: Lynne Baker [mailto:lrbaker@philos.umass.edu]  
Sent: Wednesday, July 16, 2014 4:35 PM  
To: Brestrup, Christine  
Subject: Stop the Retreat

Dear Ms. Brestrup,

As time has gone on, the sheer craziness of the plans for the Retreat have become more obvious: The Retreat would be bad for the town of Amherst (in effect overturning zoning laws), for the community of Cushman (ruining a settled residential community), for the students (having no bike lanes or nearby grocery stores) and for the colleges (having many students far away from campus services and supervision).

Please do not let this project go forward.

Sincerely,  
Lynne Baker  
137 Shutesbury Rd.  
Amherst, MA 01002

RECEIVED JUL 17 2014

**From:** Jane Gronau [mailto:jgronau@gmail.com]  
**Sent:** Thursday, July 17, 2014 9:33 AM  
**To:** Brestrup, Christine  
**Subject:** The "Retreat"

Greetings:

I write to express my extreme concern about and opposition to plans to create a massive student rental property in north Amherst, especially by an out-of-state development company – with no ties to or stake in our community.

While the provision of adequate housing for students is a thorny one for the University of Massachusetts, this proposal provides neither an answer to nor an appropriate solution for the town, especially for the permanent residents at the north end.

Indeed, with Meadow Street on one end and "The Retreat" at the other, Pine Street will quickly become the party artery of North Amherst on weekends, placing undue burden on public safety, emergency, and traffic resources and creating an untenable density of students in off-campus residential and natural environments.

"The Retreat" has no place in the Town of Amherst, and I urge you to prevent this venture from continuing.

- Jane Gronau  
88 Grantwood Drive  
Amherst, MA 01002



THE UNIVERSITY OF CHICAGO  
1950-1951

THE UNIVERSITY OF CHICAGO  
1950-1951

THE UNIVERSITY OF CHICAGO  
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THE UNIVERSITY OF CHICAGO  
1950-1951

Ira Bryck  
255 Strong Street  
Amherst, MA 01002  
[ira@irabryck.com](mailto:ira@irabryck.com)  
413-545-4545

RECEIVED JUN 23 2014

June 21, 2014

Town of Amherst Planning Board  
Town Hall  
Amherst, MA 01002

Dear Members of the Town of Amherst Planning Board and Staff,

I have written several times, expressing my opposition to the construction of the Retreat in the forest of Cushman.

I think there are so many reasons why this project is wrong for Amherst, and just one of them is the traffic congestion it will cause on several Amherst streets, outside of Cushman Village.

I live on Strong Street, an obvious route that students would take between the Retreat and UMass, and to and from Amherst center.

Despite the downplaying of the problem in the traffic study, Strong Street, not to mention Pine Street, Henry Street, Northeast Street, East Pleasant Street, will be overwhelmed with student drivers, who already cause a disproportionate percentage of traffic accidents, according to any study, including those regularly done by the insurance industry.

This increased traffic will cause havoc at every intersection along the way. Some of those intersections are already overburdened, like Strong Street and East Pleasant, especially at the times where Wildwood School begins its day, and the traffic study reports will be heaviest as well, along with the end of the workday.

The intersection of Strong Street and North East Street is particularly hazardous in the winter, and adding hundreds of adventurous drivers will only be great for the tow truck and collision shop industries. (I am being polite with the term "adventurous"- we've had numerous drunken student drivers on our lawn over the years.)

The traffic study seems to minimize the effect of almost 700 cars making daily trips, expressing too much confidence in a non existent plan for mass transit; and make erroneous comparisons with housing projects in Amherst that are a different demographic, with different needs, a different distance from campus. A more precise comparison would be to find another situation where a Retreat is a similar size to Amherst's, a similar distance from campus, and a similar road system. My guess is that you would see the negative impact on road safety, and the ability to quietly enjoy neighborhoods that have become more heavily trafficked, an increased need for police enforcement and emergency services, and more.

One of the reasons that Amherst created RF zoning where they did is to reduce the need for cars in student-oriented neighborhoods. The town's zoning map clearly indicates that RF zones are close to campus.

Aside from Amherst's commendable bias against over-reliance on cars and fossil fuel in general, the sheer discomfort of over-burdening rural and small town sized roads is yet one more compelling case to not grant Landmark the many modifications it needs to barely bring its project into any sort of legal compliance.

Our zoning laws, and protection of the character of our town, indicate that the Planning Board needs to hold the line, and not bend the line.

Sincerely,

Ira Bryck





RECEIVED JUN 02 2014

May 30, 2014

To: Planning Board

I am submitting this letter for your consideration as you decide on the suitability of building Landmark's The Retreat in North Amherst. I am sure that the Board has heard all possible arguments, pro and con, regarding potential tax revenues, stresses on town services, traffic, noise, impact on the surrounding forest and wildlife, etc. All of these are key questions that obviously must be carefully examined before a decision is made—even if just some of the projected negative impacts are accurate, then The Retreat would become a burden to the town, and especially the residents of Cushman Village and North Amherst.

But in this letter, I want to focus just on one key claim by Landmark. In their October 28, 2013 proposal letter to the town, their point #4 states: *The development is residential and in keeping with the character of the surrounding residential area.* Is this accurate? This claim seems to be the pivot point for everything else. If their development is not deemed to be “*in keeping with the character of the surrounding residential area*,” then Landmark should not be granted a permit.

So, what is the “character” of The Retreat, and what is the “character” of the surrounding residential area? In spite of their words, is Landmark's real intent in sync with the language they use to characterize this project? And does The Retreat fit the intent of Amherst's zoning bylaws, in order to be “in keeping with the character of the surrounding residential area?” I believe Landmark's intent runs **counter** to the intent of our bylaws, and The Retreat is **not** in keeping with the character of Cushman Village. I draw this conclusion from two converging perspectives:

1) Landmark characterizes the project as single family cluster housing, which does seem to conform to building in a medium density RN-zoned district like Cushman. But is the term “neighborhood” **only** characterized by a particular type of dwelling? Surely the **residents** of a community count for something! Clarity around this question gets directly at the heart of what an RN zone is intended to define, and thus help determine if The Retreat is indeed “in keeping with the character of the surrounding residential neighborhood.” Historically, Cushman Village has been characterized not only by single-family dwellings, but also the community that occupies them. Many of its homes were built for the area's mill workers, in contrast to the large, industrial residences built for them in other parts of New England, like Lowell; building those single family homes in Cushman was specifically done to create a sense of community, thus cementing the historical “character” of Cushman as a tight-knit, family neighborhood (more on this in my point #2 below). In contrast, Landmark is a company that builds *student housing developments* (however much they have tried to fudge it since their first appearance on the Amherst scene). But maybe they make the case that students should be considered “families” occupying the single family dwellings that they intend to build, thus conforming The Retreat to both the structural as well as social characteristics of an RN-zoned neighborhood, in particular one like Cushman...

*Actually, they, themselves, make the **opposite** case!* In their Municipality presentation prospectus, it states the following on page 7 in the bulleted list under “Retreat Living” (boldface added for emphasis), describing some of the benefits of their

developments to a town: [A Landmark development] *draws students out of established single-family neighborhoods*. In other words, they, themselves, are clearly distinguishing “students” from those who traditionally live in single family neighborhoods. Otherwise, they would not proudly advertise how drawing them *out* of such neighborhoods is such an attractive benefit to a town. It’s quite clear: Landmark stresses the building of “single family” residences to be able to marginally conform to the bylaws of RN/RO-zoned areas, so that their intended clientele—who otherwise Landmark, itself, does not think should live in an RN-zoned area like Cushman in concentrated numbers—can rent there. It’s also rather head-scratching to note that the majority of The Retreat’s projected clientele of 500-700 occupants will likely be students *who do not presently live in Amherst’s established single-family neighborhoods!* So far from drawing students who are presently living in single family neighborhoods *out* of those neighborhoods, The Retreat will actually be drawing a large number of new students *into a neighborhood that presently has few if any student residents!* This has a distinctly Through-the-Looking-Glass-like feel to it, and would be quite funny if it were not so serious.

Landmark should not be able to have it both ways: on one hand, stating the boon that its developments will afford Amherst by drawing students out of its residential neighborhoods, while on the other, actually drawing large numbers of **new** students **into** a residential neighborhood as yet **not** populated by large numbers of students; or by saying their housing is single family housing that conforms to the residential characteristics of that neighborhood, while clearly admitting that its clientele is **not** similar to what characterizes the residents of that neighborhood.

2) This leads to the second perspective on why The Retreat is not in keeping with the character of RN-zoned Cushman Village. Amherst has designated certain zones in town “RF” for more densely clustered student residences and activities “to provide for residential areas dedicated to the specific residential requirements of fraternities, sororities *and similar residential facilities associated with educational institutions.*” Because many fraternities and sororities are housed in single-family dwellings, and those are restricted to RF zones, it seems that single-family dwellings, themselves, cannot be the sole criteria for building in an RN (or RO) zone.

The following is a partial list of what Landmark advertises as the attractive amenities of The Retreat. Considering it is a development for student rentals, do these amenities help definite their single family residences as more appropriate to an RF zone (i.e., as residential and other facilities associated with educational institutions), or to an RN-zoned neighborhood?

- ✓ LEED Certified Clubhouse
- ✓ Pool Area
- ✓ Fitness Center
- ✓ Computer Lab
- ✓ Volleyball
- ✓ Golf Simulator
- ✓ Basketball Court
- ✓ Movie Theater
- ✓ Study Room
- ✓ Horseshoes



Many if not all of those amenities are found in Student Centers on college campuses (such as my son's at Ohio University). And while a condominium complex may have some similar amenities as an attraction and benefit of ownership, as well as be appropriate for RN zones, the intent of The Retreat is **student rentals**. It's important to stress again that "families" are not the intended market of the "single family" housing development that Landmark proposes to build in the family-centric neighborhood of Cushman Village, and it is just semantic games to claim otherwise. For example, their prospectus advertises a movie theater and clubhouse, not a playground and a wading pool. Since their choice of amenities is **specifically** to be attractive to their intended rental clientele, students, The Retreat's housing appears to fall under the bylaw governing RF zones, even though they are building "single family" cluster housing. Isn't this why RF districts were created in the first place, so that residential neighborhoods would not be *deliberately* overwhelmed by college student buildings and activities?

There is one final piece of evidence that Landmark's development proposal is not "in keeping with the character" of Cushman Village. In 1991, no less an authority than the National Park Service characterized Cushman Village formally for us. Their description reads as follows: *"Cushman's separate and discreet character as a village within greater Amherst has been maintained to the present...[Its] integrity as a community has remained intact. It contains modest workers' housing, early 19th-century cottages, mill owners' residences, mid 19th-century buildings, a late 19th-century general store, a 20th-century school, and a Common..."* Landmark's large project for 500-700 students is clearly **not** "in keeping with the character of" the description of this designated historic district with a long-standing, clearly defined character. In fact, far from "in keeping with the character of the surrounding residential area," The Retreat will significantly **change** it, which circles back to all the arguments that predict the possible/probable impacts of The Retreat on the surrounding environment, both human and natural. And is The Retreat "in keeping with" the intent of Amherst's zoning bylaws? It's hard to see how much clearer a "no" could be! Therefore, I urge the Planning Board to deny Landmark a permit to build The Retreat, which would very clearly not be in keeping with the character of the surrounding residential neighborhood, as they claim.

I would like to close on a personal note. My family and I have lived in Amherst since 1991, when we moved to Amherst from Belchertown. In 2002, we chose to relocate to the RO-zoned Flat Hills Road area specifically to escape the growing congestion of town and take advantage of the relative quiet, the forest for hiking, and its open spaces. Many of us who've chosen to live in that part of town have done so for the same reasons. Therefore, I believe building this large project bordering an RO zone calls the suitability of the development in question as well. Creating a high density living development of predominantly (if not solely) students on the boundary of a RO-zoned area, even if it does not encompass the entirety of the acreage available to The Retreat, directly impinges on the very quality-of-life concerns that caused us to move, against our children's wishes and taking on a higher mortgage in the process, to this RO-zoned Flat Hills Road area in the first place. For example: noise created by Retreat students will not stop in the air at the Landmark property boundary line; a number of its many cars-to-be will have an exit onto our now pretty quiet rural street; getting to and from our house through the inevitably increased congestion in North Amherst will become increasingly



unpleasant, time-consuming and burdensome. Protecting the choices made by Amherst residents to live in RO zones should also be an important factor for the Planning Board to consider, in addition to maintaining the integrity of Amherst's zoning bylaws and the character of its residential neighborhoods.

Thank you for your time and consideration.

Sincerely,  


Ken Pransky  
180 Flat Hills Rd.  
Amherst, MA 01002

RECEIVED JUN 02 2014

To: Members of the Conservation Commission, Amherst

From: Janet Poirrier

RE: Abutter's comments and observations regarding Landmark Proposal

## I. WILDLIFE

In the brief time of my residency on Flat Hills Road, an enormous diversity of wildlife has traveled through our property at 290 Flat Hills. I'm a nature writer, an educated observer, and since I was a child have appreciated both t

As an abutter, I am concerned about negative impact on the flow of wildlife through this area. It's clear, from the sheer diversity of animals and birds that intersect with our property, that it has created a funnel connecting two habitats—the Cows forest and the conservation area across the street. On BioMap2, the Flat Hills conservation area constitutes CNL (Critical Natural Landscape), by definition "minimally impacted by development." The goal of CNL determination is to provide habitat for a wide diversity of native species and maintain *connectivity* among habitats. Save the fact that it is privately owned at this point, the Cows forest must be considered an active resource *for* the wildlife that inhabits the conservation area. It may not be "valuable" conservation land itself, but It's obvious that movement through it as a corridor flows primarily from West to East. In other words, from our house on the West side to CNL areas on the E, which is valuable conserved area.

As an abutter, I feel very strongly that developing the forest behind our property will not only irrecoverably reduce the numbers of wildlife, but it's diversity as. The conservation area on the W side would eventually become less stable, less resilient, and eventually an area for which its committed CNL status becomes questionable. That Conservation Area needs the wildlife on our side to sustain its own habitats and provide intact populations that are essential to its integrity.

In addition, I would like to add that the wetlands adjacent our property feature a permanent stream (exiting the culvert onto property across the street).

I have included here a tally of wildlife which has used our yard as either residence or a corridor to the West conservation land.

## II. BLASTING

Secondly, I would like to address potential damaging effects of environmental blasting on the aforementioned wildlife patterns, and human domiciles as well. I have only many, many questions--some which may sound naive--and no assurances.

- How will blasting impact wildlife traffic from the West side of Flat Hills to the East side?
- Which species are most vulnerable to habitat, mating, and/or nesting disruption due to blasting? How might this affect the CNL area on the E side?
- Does blasting produce ultrasound that may disorient mating species?
- How will groundwater that feeds wetlands be affected?
- Many houses on the speculated end of Flat Hills are old. What assurances do the homeowners have that blasting will not affect the integrity of their structures?
- Minute changes in bedrock could reduce waterflow to a shallow well or cut it off entirely. What assurances to homeowners have that their water sources will not be affected?
- What recourse do homeowners have if water quality or waterflow is affected?

From **Rock Blasting and Water Quality Measures That Can Be Taken To Protect Water Quality and Mitigate Impacts**, 2010 (Prepared by Brandon Kernen, NHDES Drinking Water Source Protection Program):

*There are two primary methods by which the quality of groundwater could be changed by blasting crystalline rock. These are summarized as follows.*

*1) Contamination of Groundwater Resulting from a Release of a Regulated or Unregulated Substance to the Groundwater. In some instances, materials such as detonators and explosives are not entirely combusted during blasting and result in the release of soluble substances into the groundwater. Releases of these substances can occur during a number of blasting related activities, including:*

- a. Incomplete combustion within the blasting borehole.*
- b. The injection of substances used for blasting into blasting boreholes that intersect a fracture network resulting in the release of substances beyond the influence of blasting area.*
- c. Poor storage, transfer and handling procedures of substances associated with blasting.*
- d. Residual substances associated with blasting occurring on the face of blasted rock materials located at the blasting site, or when a stockpile of waste rock comes into contact with precipitation, which results in the substances being leached into the groundwater.*

*Contamination of groundwater caused by the release or spillage of blasting chemicals has been occasionally associated with the detection of nitrate and nitrite. To a lesser*



Janet Poirrier

*extent, volatile organic compounds and semi-volatile organic compounds have been detected at blasting sites. It is likely that some substances associated with blasting may not be typically analyzed as part of standard laboratory drinking water analysis resulting in limited data describing the occurrence of these constituents within groundwater.*

- What measurable assurances do homeowners/residents have that the possibility or probability of such occurrences are reduced or eliminated?

Thank you for your kind and timely consideration of my concerns.

Yours very truly,

Janet Poirrier  
290 Flat Hills Road  
Amherst, MA 01002

Encl.

**WILDLIFE ACTIVITIES** - witnessed from 290 Flat Hills Road, Summer 2013 to Summer 2014

<b>Mammals</b>	<b><i>Observed</i></b>	<b><i>Heard</i></b>	<b><i>Tracks</i></b>	<b><i>Scat</i></b>	<b><i>Movement</i></b>
Black Bear	X			X	SW to E
Fishercat	X		X		SW to E
Fox	X	X	X	X	
Bobcat			X		
Coyote		X	X		
Deer (a doe and two yearlings)	X		X	X	W to E
Opossum	X		X	X	
Moose			X		
<b>BIRDS</b>	<b><i>Observed</i></b>	<b><i>Heard</i></b>	<b><i>Tracks</i></b>	<b><i>Scat</i></b>	<b><i>Movement</i></b>
Scarlet Tanager	X				W to E
Bluebird	X	X			
Little blue heron	X	X			E to SW
Redtail Hawk	X	X			
Hummingbird	X				
Swallow	X	X			
Pileated	often	X			territorial,
Woodpecker					nesting
Downy Wdpkr	X	X			
White breasted Nuthatch	X	X			on trees
Cedar waxwing	X	X			
Cardinal	X	X			
Eastern Pewhee	X	X			
Turkey	X	X			W to SW
Goldfinch	X	X			
Barred owl		X			
BrCap Sparrow	X				
Flicker	X	X			

Janet Poirrier

Acadian Phoebe	X	X		all over	nesting
Hermit Thrush	X	X			
Wood Thrush	X	X			
Robins	X	X			
Blue Jay		X			
Crows	X	X			
Warblers?		X			
Brown creeper?	X				
Unidentified		X			
<b>Amphibians</b>	<b><i>Observed</i></b>	<b><i>Heard</i></b>	<b><i>Tracks</i></b>	<b><i>Scat</i></b>	<b><i>Movement</i></b>
(Brown?)	X				Front yard
Salamanders					
Fowler's toad	X				all over
Turtle	X				front
Woodfrogs		X			



1880-1881

1882-1883

1884-1885

1886-1887

1888-1889

1890-1891

1892-1893

1894-1895

1896-1897

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1900-1901

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1908-1909

1910-1911

1912-1913

1914-1915